1839.

SUPREME COURT OF THE UNITED STATES.

No. 89.

THE UNITED STATES, APPELLANT,

VERSUS

MOSES E. LEVY.

APPEAL FROM THE SUPERIOR COURT OF EAST FLORIDA.

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Before the honorable the judge of the superior court for the eastern district of Florida, and specially authorized by law to receive and adjudicate claims and titles to land in the district of East Florida:

Be it remembered that, on the eighteenth day of May, in the year of our Lord one thousand eight hundred and twenty-nine, Moses E. Levy, by John Drysdale, his attorney, brought and filed in the clerk's office of the superior court for the eastern district of Florida, his petition or claim to certain land therein mentioned; which said petition or claim is in the words and figures following, to wit:

To the honorable the judge of the superior court for the eastern district of Florida:

Petition for confirmation of claim.

The petition of Moses E. Levy, a citizen of the United States, and an inhabitant of the Territory of Florida, respectfully showeth:

That your petitioner claims title to all those two certain tracts, pieces, or parcels of land, consisting together of twenty thousand acres, situate, lying, and being in that part of the Territory of Florida, known as East Florida, and within the jurisdiction of this honorable court; which said twenty thousand acres of land are part and parcel of a certain large tract containing twenty-five thousand acres, which were originally conceded to one Philip R. Younge, a subject of his Majesty the King of Spain, and an inhabitant of East Florida aforesaid, by concession, on or about the 11th day of February, one thousand eight hundred and seventeen, and which were afterwards, that is to say, on or about the twenty-second day of the same month, granted and confirmed, in absolute property, to the said Philip R. Younge, his heirs, successors, or assigns, for ever, by Don José Coppinger, then the governor of the province of East Florida, and while the said province was a dependency of the crown of Spain, under and in virtue of the authority and powers in him for that purpose vested, as will more fully and at large appear by the said concession and absolute grant, a copy whereof is hereto annexed, marked exhibit A, reference being thereto had, and which your petitioner prays may be taken as a part of this his petition. Your petitioner further shows that the said twenty thousand acres of land were afterwards surveyed and located in two different tracts, that is to say, eight thousand acres, part and parcel of said twenty thousand acres, were surveyed on the west side of a place called Long Pond, about forty miles south of Lake George, on the west side of the river St. John, in East Florida aforesaid, and twelve thousand acres, the residue of the said twenty thousand acres, on the borders of a certain lake situated in East Florida aforesaid, called Lake Second, and on the west side thereof, as will more fully and distinctly appear by the plats and certificates of the said surveys, copies whereof are hereto annexed, marked exhibit B.

Your petitioner further shows unto your honor that the said twenty thousand acres of land were afterwards, that is to say, on or about the 22d December, one thousand eight hundred and twenty, sold, transferred, and conveyed, in full and absolute property, according to the forms prescribed by the Spanish laws and customs, by the said Philip R. Younge, to one William Travers, his heirs and assigns for ever, as will more fully and at large appear by a reference to the conveyance of the said lands by the said Philip R. Younge to the said William Travers, bearing date the day and year last aforesaid, a copy whereof is hereto annexed, marked exhibit C, and which conveyance your petitioner prays may be taken as a part of this his petition;

and that the said William Travers, for a full and valuable consideration paid to him by your petitioner, did, by a certain deed of indenture bearing date the sixth day of August, one thousand eight hundred and twenty-four, bargain, sell, and convey the said twenty thousand acres of land, with its appurtenances, to your petitioner, his heirs and assigns, for ever, as by reference to the said deed of indenture will more fully and at large appear, (a copy whereof is hereto annexed, marked exhibit D,) which your petitioner prays may be taken as a part of this his petition.

And your petitioner further shows unto your honor, that he claims title to certain other ten thousand four hundred acres of land, situate, lying, and being in East Florida aforesaid, and within the jurisdiction of this honorable court; which said ten thousand four hundred acres of land are part and parcel of a certain large tract or parcel of land, which was originally conceded or granted in absolute property to one Antonio Huertas, a subject of the King of Spain, and an inhabitant of East Florida aforesaid, by a concession made on or about the fifteenth day of September, one thousand eight hundred and seventeen, by the aforenamed Don José Coppinger, then the governor of East Florida, and under and in virtue of the powers and authority for that purpose in him vested, as will more fully and at large appear by the said concession, reference being thereto had, a copy whereof, marked exhibit E, is hereto annexed; and your petitioner prays that the said concession may be taken as a part of this his petition. And your petitioner further, shows that the said ten thousand four hundred acres of land were afterwards regularly surveyed and located on the west side of St. John's river, about twelve miles to the south of Lake George; and the said tract of land hath such forms, lines, and dimensions as are set forth in the plat thereof hereto annexed, and marked exhibit F; and that the said tract of ten thousand four hundred acres of land were afterwards, that is to say, on or about the fourth day of December, one thousand eight hundred and twenty one, sold and transferred by the said Antonio Huertas to one Don Juan Blas Entralgo; and was afterwards, that is to say, on or about the sixth day of August, one thousand eight hundred and twenty-four, by a certain deed of indenture, bearing date the day and year last aforesaid, granted, bargained, sold, and conveyed, in fee simple absolute, by the said Juan Blas de Entralgo to your petitioner, for a full and valuable consideration by him paid to the said Juan Blas de Entralgo, as will more fully and at large appear by the said deed of indenture, a copy whereof, marked exhibit G, is hereto annexed; and your petitioner prays that the said indenture may be taken as a part of this his petition.

And your petitioner further shows unto your honor, that he claims title to two certain other tracts or parcels of land, comprising together seven thousand four hundred acres, situate, lying and being in East Florida aforesaid, and within the jurisdiction of this honorable court; which said seven thousand four hundred acres of land are part of a tract of ten thousand acres, which were originally conceded in absolute property to one Pedro Miranda, an inhabitant of East Florida aforesaid, and a subject of the King of Spain, by concession made on the tenth day of September, one thousand eight hundred and seventeen, by the aforesaid Don José Coppinger, then the governor of the province of East Florida, and while the same was a dependency of the crown of Spain, under and in virtue of the powers and authority in him vested as governor as aforesaid, as will more fully and at large appear by a reference to the said concession thereof, (a copy whereof, marked exhibit

H, is hereto annexed,) which your petitioner prays may be taken as a part of this his petition; which said seven thousand four hundred acres of land were afterwards surveyed and located in two different tracts, that is to say, one of them of four thousand, and the other of three thousand four hundred acres, at a place called the Big Spring, which branch called the Big Spring divides the said two parcels of land. And your petitioner further shows, that the said seven thousand four hundred acres of land, were afterwards sold and transferred by the said Pedro Miranda, to the said Juan Blas Entralgo, and were, by the said Entralgo, by the aforesaid indenture, bearing date the aforesaid sixth day of August, one thousand eight hundred and twenty-four, granted, bargained, and sold, in fee simple absolute, to your petitioner, for a full and valuable consideration paid to him by your petitioner, as by the aforesaid indenture will more fully and at large appear, reference being thereto had.

And your petitioner further shows unto your honor, that he claims title to two certain other tracts or parcels of land, comprising together eight thousand acres, situate, lying, and being in East Florida aforesaid, and within the jurisdiction of this honorable court; which said eight thousand acres of land are part of a larger parcel containing ten thousand acres, which were originally granted in absolute property, to one Fernando de la Maza Arredondo, junior, a subject of the King of Spain, and an inhabitant of East Florida aforesaid, on or about the twentieth day of March, one thousand eight hundred and seventeen, by concession bearing that date, made by the aforesaid Don José Coppinger, then the governor of East Florida aforesaid, and while it was a dependency of the crown of Spain, as by a reference to the said concession thereof, will more fully and at large appear, which your petitioner prays may be taken as a part of this his petition, a copy whereof is hereto annexed, marked exhibit I. And your petitioner shows that the said eight thousand acres of land were afterwards surveyed and located in two different tracts or parcels, each containing four thousand acres; one of which tracts containing four thousand acres, was, in the year one thousand eight hundred and twenty, regularly surveyed and located near a place called Spring Garden, that is, about twenty-five miles to the east thereof, as will more clearly and distinctly appear by a plat and certificate of the said survey hereto annexed, marked exhibit J, reference being thereto had, and has such lines, boundary, and figure, as thereby appears; and the other of the said tracts of land, containing also four thousand acres, was surveyed and located in the year one thousand eight hundred and twenty, on the west side of the river St. John, on a creek called Black creek, as will clearly and distinctly appear by the certificate of the survey and the plat thereof hereto annexed, reference being thereto had, and it has such forms, lines, and boundaries as thereby appears. And your petitioner shows that the said two tracts, composing together the aforesaid eight thousand acres of land, were sold and transferred in absolute property by the said Fernando de la Maza Arredondo to the aforesaid Juan Blas de Entralgo, by two certain instruments of conveyance, each bearing date the 5th day of January, one thousand eight hundred and twenty-one, as by reference thereto will fully appear, copies whereof, marked exhibits K and L, are hereto annexed, and your petitioner prays that they may be taken as a part of this his petition; and that the said eight thousand acres of land, with its appurtenances, were afterwards, by the said Juan Blas de Entralgo, by the aforesaid indenture, bearing date the sixth day of August, one thousand eight hundred and twenty-four, granted,

bargained, sold, and conveyed, for a full and valuable consideration paid by your petitioner to the said Entralgo, to your petitioner in fee simple absolute, as by a reference to the said indenture will more fully appear.

And your petitioner further shews unto your honor, that he claims title to a certain other tract or parcel of land, containing twenty thousand acres, situate, lying and being in East Florida, aforesaid, and within the jurisdiction of this honorable court; which said twenty thousand acres are part and parcel of a tract of twenty-two thousand acres, originally granted to one George J. F. Clarke, a subject of the King of Spain, and an inhabitant of East Florida, aforesaid; in absolute property, by a royal title, or absolute grant, made on the seventeenth day of December, one thousand eight hundred and seventeen, made by the aforesaid Don José Coppinger, then the Governor of East Florida, aforesaid; and while it was a province, and dependency of the crown of Spain, in virtue of the powers and authority in him vested, as governor as aforesaid, for that purpose; as by a reference to the said grant (a copy whereof is hereto annexed, marked exhibit M,) will fully appear, and your petitioner prays the said grant may be taken as a part of this, his petition; which said twenty thousand acres of land were afterwards regularly located and surveyed, at a place called Chachala Hammock, on the west side of the river St. Johns, where there used to be a store of the house of Panton, Leslie & Co., and about forty-five miles from it, as by a reference to the plat and certificate of the survey thereof, will more clearly appear, copies whereof are hereto annexed, marked exhibit N.; which said twenty thousand acres of land were, according to the formalities of the Spanish laws, transferred and conveyed by the said George J. F. Clarke, to the aforementioned Juan de Entralgo, on the seventh of February, 1820, as will appear by reference to a certified copy of the said transfer from the office of the public archives, and herewith annexed; and your petitioner further shews, that the said twenty thousand acres of land were afterwards, to wit: on or about the seventh day of February, one thousand eight hundred and twenty, transferred and conveyed, in full and absolute property, by the aforenamed Juan Blas de Entralgo, by an instrument of conveyance, bearing date the day and year last aforesaid, as by a reference thereto will fully and at large appear, (a copy whereof, marked exhibit O, is hereto annexed,) and your petitioner prays that said conveyance may be taken as a part of this, his bill; and the said twenty thousand acres of land, with its appurtenances, were afterwards, to wit: on or about the sixth day of August, in the year one thousand eight hundred and twenty-four, by the aforesaid indenture, bearing date, and so made, as aforesaid, by the said Juan Blas de Entralgo, granted, bargained, and sold, in fee simple absolute, by the said Entralgo to your petitioner, as by the said indenture, reference being thereto had, will fully and at large appear.

And your petitioner further shews unto your honor, that the claims to the aforesaid several tracts, pieces and parcels of land, to which your petitioner hereby claims title as aforesaid, have been duly made and submitted to the examination of the board of commissioners, appointed under, and in virtue of an act of the Congress of the United States, entitled "An act amending and supplementary to the act for ascertaining claims and titles to land in the territory of Florida, and to provide for the survey and disposal of the public lands in Florida," passed the third day of March, 1823, and have severally, by the said commissioners, been recommended for confirmation.

And your petitioner further shews unto your honor, that the said lands, so

claimed by him and situated within the Territory of Florida, as aforesaid, are embraced by the treaty between Spain and the United States, of the twenty-second of February, one thousand eight hundred and nineteen, and have not been thereby annulled; that his claim to the said several tracts of land, or any of them, have not been decided or finally settled under the provisions of the act of the Congress of the United States, entitled "An act supplementary to the several acts providing for the settlement and confirmation of private land claims in Florida," passed the twenty-third day of May, one thousand eight hundred and twenty eight, or of any of the acts to which the said last recited act is supplementary; that the claim of your petitioner to each of the aforesaid several tracts or parcels of land, contains a greater quantity of land than the commissioners appointed under the said acts were authorized to decide, and above the amount confirmed by the afore-recited act of Congress, passed the 23d May, 1828; that the said claims, so submitted as aforesaid, to the aforesaid commissioners, have not, nor has any of them been reported by the said commissioners, appointed under any of the afore-recited acts, or any other, or by the register and receiver, acting as such commissioners, under the several acts of Congress in that case made and provided, as antedated or forged; but on the contrary thereof, was recommended for confirmation as aforesaid.

Wherefore, your petitioner prays that the validity of his title to the aforesaid several tracts or parcels of land so claimed by him as aforesaid, may be enquired into and decided by this honorable court, and that due process and citation may issue and be served, according to the provisions of the act of the Congress of the United States, in such case made and provided. And your petitioner will ever pray, &c.

JOHN DRYSDALE,
Atty. for Petitioner.

A copy of the above petition, with a citation thereto annexed, was delivered to the marshal of this district, to serve on the attorney of the United States for the same district; and the return of the said marshal thereon is in the words and figures following, to wit: "Served copy on Thos. Douglass, esquire, United States attorney, the 22d May, 1829."

WATERS SMITH, *Marshal.*

And afterwards, to wit, on the seventeenth day of August, in the year of our Lord one thousand eight hundred and twenty-nine, Thomas Douglass, esquire, United States attorney for the district of East Florida, brought and filed in the clerk's office aforesaid, his answer to the said petition; which said answer is in the words and figures following, to wit:

Superior Court.—November term, 1829.

THE UNITED STATES OF AMERICA,
ats.
MOSES E. LEVY.

Answer U. S. Attorney. The answer of Thomas Douglass, United States' attorney for the district of East Florida, to the petition or bill of complaint of Moses E. Levy: The said attorne, in the name and for and on behalf of the same United States, saving and reserving to them now, and at all times hereafter, all and all manner of benefit and exception to the manifold errors, defects and irregularities in the said petition or bill of complaint, contained for answer,

thereunto, or unto so much thereof as it is material and necessary for them to answer unto, answereth and saith, that whether any such tracts of lands, containing twenty-five thousand acres, were originally conceded to one Philip R. Younge, a subject of his Majesty the King of Spain, and an inhabitant of East Florida aforesaid, by concession bearing date on or about the eleventh day of February, one thousand eight hundred and seventeen, or whether the same were afterwards, that is to say, on or about the twenty-second day of the same month, granted and confirmed in absolute property to the said Philip R. Younge, his heirs, successors and assigns, by Don José Coppinger, then the governor of the province of East Florida, and while the said province was a dependancy of the crown of Spain, as the said Moses E. Levy has in his petition or bill of complaint aforesaid alleged, set forth and described; or whether any such surveys of the said tracts of land as are in said petition or bill of complaint mentioned, were ever made; or whether twenty thousand acres of the said lands were afterwards, that is to say, on or about the twenty-second day of December, one thousand eight hundred and twenty, sold, transferred and conveyed, in full and absolute property, according to the forms prescribed by the Spanish laws and customs, by the said Philip R. Younge, to one William Travers, his heirs and assigns forever; or whether the said William Travers, for a full and valuable consideration paid by the said Moses E. Levy, did, by a certain deed of indenture bearing date the sixth day of August, one thousand eight hundred and twenty-four, bargain, sell and convey the said twenty thousand acres of land, and its appurtenances, to the said Moses E Levy, his heirs, and assigns forever, as the said Moses E. Levy has, in his petition or bill of complaint aforesaid, alleged and set forth; or whether any such tract or parcel of land was conceded or granted to Antonio Huertas by a concession made on or about the fifteenth day of September, one thousand eight hundred and seventeen, by the aforesaid Don José Coppinger, then the Governor of the province of East Florida, as is in the petition or bill of complaint mentioned; and, or whether any such survey and location of ten thousand four hundred acres of said last mentioned land, was afterwards regularly made on the west side of St. Johns river, about twelve miles to the south of Lake George; or whether the said tract of ten thousand four hundred acres of land has such form, lines, and dimensions, as are set forth in the plat which is marked exhibit F, and annexed to the said petition or bill of complaint, as is therein alleged and set forth; or whether the said tract of ten thousand four hundred acres of land were afterwards, that is to say, on or about the fourth day of December, one thousand eight hundred and twenty-one, sold and transferred by the said Antonio Huertas to one Juan Blas Entralgo; or whether the same was afterwards, that is to say, on or about the sixth day of August, one thousand eight hundred and twenty-four, by a certain deed of indenture bearing date the day and year last aforesaid, granted, bargained, sold and conveyed in fee simple absolute, by the said Juan Blas Entralgo, to the said Moses E. Levy, for a full and valuable consideration by him paid to the said Juan Blas Entralgo; or whether any such tract of ten thousand acres of land was conceded, in absolute property, to one Pedro Miranda, an inhabitant of East Florida aforesaid, and a subject of the King of Spain, by concession bearing date the tenth day of September, one thousand eight hundred and seventeen, by the aforesaid Don José Coppinger, then the governor of the province of East Florida, and while the same was a dependancy of the crown of Spain, as is in the petition or bill of complaint afore-

said mentioned or set forth; or whether seven thousand four hundred acres of the said land were afterwards surveyed and located in two different tracts, that is to say, one of them of four thousand, and the other of three thousand four hundred acres, at a place called the Big Spring; or whether the said seven thousand four hundred acres of land were afterwards sold and transferred by the said Pedro Miranda to the aforesaid Juan Blas Entralgo; or whether they were, by the said Entralgo, by the aforesaid indenture bearing date the aforesaid sixth day of August, one thousand eight hundred and twenty-four, granted, bargained and sold, in fee simple absolute, to the said Moses E. Levy, for a full and valuable consideration paid to him by the said Moses E. Levy, as he, in his petition or bill of complaint aforesaid, has alleged and set forth; or whether any such tract or parcel of land, containing ten thousand acres, was granted in absolute property to one Fernando de la Maza Arredondo, junior, a subject of the King of Spain, and an inhabitant of East Florida aforesaid, on or about the twentieth day of March, in the year one thousand eight hundred and seventeen, by concession bearing that date, made by the aforesaid Don José Coppinger, then the governor of the province of East Florida aforesaid, and while it was a dependancy of the crown of Spain; or whether the said eight thousand acres of land were afterwards located and surveyed in two different tracts or parcels, each containing four thousand acres; or whether one of the said tracts of four thousand acres was, in the year one thousand eight hundred and twenty, regularly surveyed and located near a place called Spring Garden, that is, about twenty-five miles to the east thereof; or whether the other of the said tracts of land, containing also four thousand acres, was surveyed and located in the year one thousand eight hundred and twenty, on the west side of the river St. Johns, on a creek called Black creek; or whether the said two tracts, comprising together the aforesaid eight thousand acres of land, was sold and transferred in absolute property, by the said Fernando de la Maza Arredondo, to the aforesaid Juan Blas de Entralgo, by two certain instruments of conveyance, each bearing date the fifth day of January, one thousand eight hundred and twenty one; or whether the said eight thousand acres of land, with its appurtenances, were afterwards, by the said Juan Blas de Entralgo, by the aforesaid indenture bearing date the sixth day of August, one thousand eight hundred and twenty-four, granted, bargained, sold and conveyed, for a full and valuable consideration paid by the said Moses E. Levy to the said Entralgo, to the said Moses E. Levy, in fee simple absolute, as he in his petition or bill of complaint aforesaid hath alleged, set forth and described; or whether any such tract or parcel of land, containing twenty two thousand acres, situate, lying, and being in East Florida aforesaid was originally granted to one George J. F. Clarke, a subject of the King of Spain, and an inhabitant of East Florida aforesaid, in absolute property, by a royal title or absolute grant bearing date the seventeenth day of December, one thousand eight hundred and seventeen, made by the aforesaid Don José Coppinger, then the governor of East Florida aforesaid, and while it was a province and dependancy of the crown of Spain aforesaid; or whether twenty thousand acres of the said land was afterwards regularly located and surveyed at a place called Chachala hammock, on the west side of the river St. Johns, where there used to be a store of the house of Panton, Leslie & Co., and about forty-five miles from it; or whether the said twenty thousand acres of land were afterwards, to wit, on or about the seventh day of February, one thousand eight hundred and twenty, trans-

ferred and conveyed, in full and absolute property to the aforesaid Juan Blas de Entralgo, by an instrument of conveyance, bearing date the day and year last aforesaid; or whether the said twenty thousand acres of land, with its appurtenances, were afterwards, to wit, on or about the sixth day of August, in the year one thousand eight hundred and twenty-four, by the aforesaid indenture bearing that date, by the said Juan Blas de Entralgo, granted, bargained and sold, in fee simple absolute, by the said Entralgo to the said Moses E. Levy, as he, in his petition or bill of complaint aforesaid, hath alleged, set forth and described, this respondent has no knowledge, and this respondent repeats, and expressly avers, that he has no knowledge of the making or execution of the said royal titles, or of any of the said grants, concessions, surveys, locations, sales, transfers, conveyances, or indentures, and cannot, therefore, either admit or deny the same; but respectfully prays this honorable court that the said Moses E. Levy may be required, upon the hearing of this cause, to make due proof of the making and execution of the said royal titles, and of the making and execution of the said royal titles, and of the making and execution of the said grants, surveys, locations, sales, transfers, conveyances, and indentures, and of each and every of them, (if indeed any such were ever made, which is by no means admitted) and of all the matters and things in the said petition or bill of complaint mentioned, alleged and set forth, as they are therein stated, according to law and the usages of courts of equity.

And this respondent avers, that if any such concessions, grants, or royal titles, were made as are above mentioned, they were each, and every of them, made contrary to, and in violation of, the laws, ordinances, and royal regulations of the Government of Spain, which were in force in the said province of East Florida, at the time when the said royal titles, and each of the said concessions and grants, are respectively in the said petition or bill of complaint alleged to have been made, providing for the granting of lands in its provinces, of which said provinces the aforesaid province of East Florida was then one, and without any power or authority on the part of the said Governor Coppinger to make the same, or either of them; and that they, nor either of them, were ever approved by the said Government of Spain; and that they are, and were, each and all of them, entirely null and void, as will more fully appear by reference to the laws, ordinances, and royal regulations aforesaid, which this respondent prays leave to introduce and read on the hearing of this cause; and this respondent further saith, that no power or authority was ever conferred upon, or vested in, the said Don José Coppinger during the time when he held the office, or exercised the powers of Governor of the said province of East Florida; nor did the said Don José Coppinger during that period, or any portion of it, possess any power or authority whatever to make concessions or grants of land in the said province of East Florida, of the magnitude and description of the several concessions or grants which are mentioned, claimed, and described by the said Moses E. Levy in his petition or bill of complaint aforesaid, or to confirm the same, or to make any royal titles therefor; and this respondent farther prays this honorable court that the said Moses E. Levy may be farther required to show and prove, on the hearing of this cause, the specific powers which had been conferred by the Spanish Government aforesaid upon the said Don Jose Coppinger (if any such powers had been conferred) to make concessions or grants of land in the said province of East Florida, or to confirm such concessions or grants, or to make royal titles therefor, at the several times when the said several supposed concessions and grants, an

the said royal titles in the said petition or bill of complaint are therein respecti ely charged and alleged to have been made as aforesaid; and particularly that he may be required to show and prove the specific powers under which the said Don Jose Coppinger claimed to act in making the said several supposed concessions or grants of land, and the royal titles aforesaid, if indeed any such concessions, grants, or royal titles were ever made by him; and this respondent farther saith, that it appears by the several exhibits of the said Moses E Levy, which are respectively marked A E H I and M, and to the said petition or bill of complaint annexed, and made a part thereof, that each of the aforesaid supposed concessions, grants, and royal titles (if they) were made at *at*, as is in the petition or bill of complaint aforesaid alleged and set forth, were pretended to have been respectively made as a compensation or reward for certain services, sacrifices, and losses therein mentioned, and said to have been rendered, made and sustained by the several respective grantees of the said several tracts of land; but whether any such services were ever rendered, sacrifices made, or losses sustained, by the said supposed grantees of the said several tracts of land respectively, or by any, or either of them, this respondent does not know, and cannot therefore either admit or deny the same, but respectfully prays this honorable court that the said Moses E. Levy may be further required to show and prove, on the hearing of this cause, the rendition of the said services, the making of the said sacrifices, and the sustaining of the said losses by the said several supposed grantees of the said several tracts or parcels of land respectively, and the time when, the place where, and the occasion upon, which the said services were performed, the sacrifices made, or the said losses sustained, by the said supposed grantees respectively, and the nature, extent, and value of them, and each of them, and by whose order, or at whose instance, the said services or the said sacrifices made, as they are in the said several exhibits above named respectively mentioned and set forth, (if indeed any such services were ever rendered, or any such sacrifices made, or losses sustained by the said several supposed grantees, or any or either of them, which is by no means admitted,) according to law and the usages of courts of equity aforesaid. And this respondent farther saith, that each of the aforesaid supposed grantees claim title to other tracts of land in the said province of East Florida, for which they respectively allege that they have good and valid grants, which said last mentioned tracts of land, if they were granted at all to the said supposed grantees respectively, were granted in consideration of the same identical services which are respectively stated and set forth in the aforesaid several exhibits; and particularly that the said Pedro Miranda and others to whom he alleges that he has made conveyances, claim title to a certain other tract of land situated at Hillsborough and Tampa bays, in East Florida aforesaid, containing three hundred and sixty-eight thousand six hundred and forty acres, which they allege was granted to the said Pedro Miranda by Governor White, on the twenty-sixth day of November, one thousand eight hundred and ten, as will more fully appear by the petition of the said Pedro Miranda and others, and the exhibits thereunto annexed now on file amongst the records of this court, to which this respondent prays leave to refer on the hearing of this cause, which said tract of three hundred and sixty eight thousand six hundred and forty acres was granted to the said Pedro Miranda, if it was granted to him at all, in consideration of a portion of the same identical services which are stated and set forth in the said exhibit H, above mentioned. And

this respondent farther saith, that if the said several supposed concessions, grants, or royal titles, were made as is in the said petition or bill of complaint stated or alleged, the said several grantees, and all those who claim under them, have respectively always, hitherto, ever since the respective dates of the said several concessions, grants, or royal titles, wholly and entirely failed and neglected to occupy, improve, or cultivate the same, or either of them, or any part thereof; and that therefore the said supposed grantees, and all and each of those who claim under the said supposed grantees, respectively, have thereby wholly forfeited and lost all right and title (if any they, or either of them, ever had,) in or to the said tracts of land, and each of them, and to every part and parcel thereof. And this respondent suggests, that if the said Philip R. Younge, Antonio Huertas, Pedro Miranda, Fernando de la Maza Arredondo, junior, or George J. F. Clarke, ever had any such concessions, grants, or royal titles; as are in the said petition or bill of complaint stated and set forth, and as are therein alleged to have been respectively made to them, the said concessions, grants, and royal titles, were made since the twenty fourth day of January, in the year one thousand eight hundred and eighteen, and that the same, and each of them, were consequently rendered entirely null and void by virtue of the provisions contained in the latter clause of the eighth article of the same treaty, which is in the said petition or bill of complaint mentioned; and that all and each of the aforesaid claims having been completely annulled by the said treaty, this court cannot take cognizance of them, or either of them. And this deponent farther saith, that at the time when the said several supposed concession, grants, and royal titles, are respectively alleged to have been made as aforesaid, it was, and for a long space of time had been, the fixed and settled policy of the said Government of Spain to parcel out its colonial domain with reference to the sole object of increasing the population of its provinces, and of benefitting its indigent subjects, and that, according to that policy, grants of land obtained for purposes of speculation were never approved or tolerated by the said Government; and that all and each of the aforesaid supposed concessions, grants, and royal titles, were obtained (if they were obtained at all,) by the aforesaid supposed grantees respectively, for purposes of speculation only.

And this respondent further saith, that if the aforesaid supposed concessions, grants, or royal titles, were made in manner and form as the said Moses E. Levy has, in his said petition or bill of complaint alleged and set forth, the same and each of them were expressly made and stated, and intended by the said Governor Coppinger to be without prejudice to the rights of third persons. And this respondent further avers, that at the time when the said supposed concessions, grants, and royal titles, respectively, bear date, the said tracts of land, and each and every one of them, was in the possession and occupancy of the Florida tribes of Indians, commonly called Seminole Indians, who then held and owned the right and title thereto; and that the said right and title of the said Florida tribes of Indians in and to the said several tracts of land was never extinguished until the eighteenth day of September, in the year of our Lord one thousand eight hundred and thirty-three, on which said eighteenth day of September, in the year last aforesaid, a certain talk was held at a place called Moultrie creek, in East Florida aforesaid, by and between William P. Duval, James Gadsden, and Bernado Segui, commissioners for and on behalf of the same United States, and certain chiefs and warriors of the said Florida tribes of Indians, on the part

and behalf of those tribes; at which said talk a treaty was made by and between the said United States and the said Florida tribes of Indians, by the first article of which, the said chiefs and warriors for themselves and their tribes, in consideration of the promises and stipulations in the same treaty thereafter mentioned, did cede and relinquish all claim which they had to the whole Territory of Florida, with the exception of such district of country as should therein be allotted to them. And this respondent saith, that all of the aforesaid tracts of land were embraced in, and formed a part of the lands which were ceded to the same United States by virtue of the treaty last aforesaid, and that they are not embraced in the district of country thereby allotted to the said Indians; all of which will more fully appear by reference to the said last mentioned treaty, which this respondent prays leave also to introduce and read on the hearing of this cause. And this respondent submits, that by certain of the laws, ordinances, and royal regulations aforesaid, it was provided that the distribution of lands should be made with equity, and without any preference of persons, or injury to the Indians; and that it was therein and thereby especially provided and commanded that lands which might be granted to Spaniards should be without prejudice to the Indians, and that those granted to the injury of the Indians should be restored to their rightful owners, as will more fully appear by reference to the laws, ordinances, and royal regulations, aforesaid. And this respondent further saith, that at the times when the said supposed concessions, grants, and royal titles, are, in the said petition or bill of complaint respectively alleged to have been made as aforesaid, the said supposed grantee of each of the aforesaid tracts or parcels of land was a Spaniard, and a subject of the King of Spain; and that the said tracts of land, if they were granted, as is in the said petition or bill of complaint alleged, (which is not admitted,) were granted in prejudice of the rights, and to the injury of the said Florida tribes of Indians, and ought to have been restored to them as the rightful owners thereof.

And this respondent further saith, that none of the aforesaid supposed concessions, grants, or royal titles, (if they, or either of them, were made as aforesaid, which is not admitted,) are attended with the formalities prescribed by the laws, ordinances, and royal regulations aforesaid, to be observed in making grants of land; and that they, each and all of them, might for that reason have been vacated, annulled, and set aside, by the said Government of Spain; and that they may, and ought therefore to be adjudged and decreed by this honorable court to be null and void. And this respondent admits that the claims aforesaid were submitted to the examination of the board of commissioners in the said petition or bill of complaint mentioned, and that the said board of commissioners reported thereon.

And now, having fully answered all the matters and things in the said petition or bill of complaint contained and alleged, the said attorney prays that the said United States may be hereof discharged, and that their reasonable costs and charges by them in and about the defence of this suit, paid, laid out, and expended, may be adjudged and decreed to them, &c.

THOS. DOUGLASS, *U. S. Att'y.*

And afterwards, to wit, on the eighteenth day of May, in the year of our Lord one thousand eight hundred and thirty-two, the said Moses E. Levy, by his attorney, brought and filed in the clerk's office aforesaid his replication; which said replication is in the words and figures following, to wit:

Superior Court for the Eastern District of Florida.

Replication of claimant.

MOSES E. LEVY, compt.
vs.
THE UNITED STATES, deft.

In chancery. Claim for lands.

Replication of the above complainant to the answer of the United States, defendant.

This replicant, saving and reserving to himself all and all manner of advantage of exceptionto the manifold insufficiencies of the said answer, for replication thereto, saith: That he will aver and prove his said bill to be certain, true, and sufficient in the law to be answered unto; and that the said answer of the said defendant is uncertain, untrue, and insufficient to be replied unto by this replicant, without that, that any other matter or thing whatsoever in the said answer contained, material or effectual in the law to be replied unto, confessed or avoided, traversed or denied, is true; all which matters and things this replicant is, and will be ready to aver and prove as this honorable court shall direct; and humbly prays, as in and by his said bill he hath already prayed.

D. LEVY, *Solicitor for Compt.*

Documents offered in evidence on the part of the claimant in this cause, and filed therein, to wit:

First. Documents in relation to the claim for *twenty thousand acres* of land in this case, under a grant to *Philip R. Younge* for 25,000 acres.

No. 1.

Translation.

His Excellency *the Governor:*

Memorial of Younge to Spanish Government for grant.

Don Felipe Roberto Younge, a subject of his Catholic Majesty, residing in the town of Fernandina, with due respect, represents to your excellency that he has been informed that this Government distributes lands to the faithful subjects who contributed to the defence of the province since the insurrection, which began in the year one thousand eight hundred and twelve, to which class your petitioner belongs, for having served in the capacity of commandant of militia corps, who were under arms in the said town, without pay nor gratification whatever, and for having contributed to the defence thereof in erecting, at his own cost, the battery, which fort was effected at his own expense; and, moreover, for having maintained in the bay, and the inlets thereof, his own ship, called *Emperor*, carrying twenty-two guns, and manned with thirty men, the whole defrayed by himself for the space of four months for defence of said town, and in order to repel the attempts and hostilities of the rebels; which ship, being still employed in said service, was wrecked, and rendered useless, by being driven on shore by a violent hurricane which took place, and from which resulted to your petitioner a loss of more than twenty thousand dollars, as is all proved to this Government, and is of public notoriety; and it is equally well known that, at the time he was captain of the district, he, on his part, contributed much to the public tranquillity of the province; for which reasons, and it being also known to the Government that your petitioner had, before that time, rendered other recommend-

able services by supplying with beef, for many years, the troops of this garrison, and furnishing funds to the royal treasury: Wherefore, your petitioner supplicates your excellency be pleased to grant him, in absolute property, twenty-five thousand acres of land south of the place denominated Spring garden, in this form, to wit: twelve thousand acres of them adjoining the lake or pond called Second, and known under the name of *Valdes;* and the remaining thirteen thousand acres on the pond situated above the first, called the Long pond or lake--the whole west of the river St. John; and the title thereof be extended to him in due form, in order to prove his lawful ownership, until he has an opportunity to proceed to the survey and demarcation of the two tracts, made by a surveyor; which favor your petitioner has no doubt to receive from the justice of your excellency. Fernandina, on the fifth of December, one thousand eight hundred and sixteen.

PH. ROBERTO YOUNGE.

Decree.

Grant to Younge for 25,000 acres.

St. Augustine, on the eleventh of February, one thousand eight hundred and seventeen: Whereas the services which this petitioner represents are known to this Government, and are of public notoriety, and, in the exercise of my authority, I do grant to him in the name of his Majesty, and of his royal justice which I administer, the twenty-five thousand acres of land which he solicits in the places which he designates, for which the corresponding title will be issued in his behalf in absolute property, and in the usual form, in order that he may prove his ownership, without prejudice of a third party, reserving that the boundaries and dimensions of the said tracts be made known as referred to; and let this expedient be deposited in the secretary's office.

COPPINGER.

No. 2.

Translation.

Title of property for 25,000 *acres of land in behalf of Don Felipe Roberto Younge.*

Don José Coppinger, lieutenant colonel of the royal armies, civil and military governor pro tem , and chief of the department of the royal domain in this place of St. Augustine of Florida, and province thereof:

Royal title to Younge for 25,000 acres.

Whereas, in the royal order of the twenty-ninth of March, one thousand eight hundred and fifteen, his Majesty has been pleased to approve the rewards and bounties proposed by my predecessor, the brigadier Don Sebastian Kindelan, to be awarded to the officers and soldiers of the regular and of the militia corps of this province, who contributed to the defence thereof in the time of rebellion; and whereas one of said bounties consisted in the distribution of vacant lands; and whereas Don Felipe Roberto Younge has represented to me the distinguished and extraordinary services by which he has contributed, both personally and with his money, to the defence of this said province on different occasions, and principally during the insurrection which began in the year one thousand eight hundred and twelve, from which resulted the loss of his private property and the saving of the royal treasury, as appears more at large in the memorial which he has presented to me on the fifth of December of the year last past; in virtue of which, and in conformity of the authority

which I exercise, I have thought proper, by my decree of the eleventh instant, to accede to his petition, by which he solicits as a remuneration the grant of twenty-five thousand acres of land, with the corresponding title of absolute property, south of the place known by the name of *Spring garden*, in this form: twelve thousand acres of them adjoining the lake or pond called *Second*, and known by the name of *Valdes*, and the remaining thirteen thousand acres on the pond farther above the preceding, known by the name of *Long pond*, the whole west of the river St. Johns, reserving, to ascertain the limits and dimensions thereof, when the survey of both tracts will be proceeded to, as it appears by the memorial and decree which exist in the archives of the present notary: Wherefore, and in attention to the said recommendable services, and in accordance to the will of the sovereign, and the laws which prescribe to reward with distinction those who are entitled to bounties according to the quality of their services and persons, I have determined to grant, and I do hereby grant in the name of his Majesty, and of his royal justice which I administer, to Don Felipe Roberto Younge aforesaid the mentioned twenty-five thousand acres of land in the designated places, without prejudice to a third party; and to issue in his behalf, as I do hereby issue, the corresponding title, by which I take from the royal domain the right and ownership which it had to the said tracts; and I cede and transfer the same to Don Felipe Roberto Younge aforesaid, his heirs and successors, in order that, in consequence thereof, they may possess them as their own, use, and enjoy them without any incumbrance whatever, with all their lets and outlets, uses, customs, rights, and services, which they had, have, and in fact and of right may belong and relate to them, and in order that they may, if they see fit, sell, cede, transfer, and alienate the same, as best suits them; to the whole of which I interpose my authority judicial as far as I can and of right ought, in virtue of what is exposed above, and in conformity of the sovereign will.

Given under my hand, and countersigned by the subscribed notary of Government and of the royal domain, in this said city of St. Augustine of Florida, on the twenty-second of February, one thousand eight hundred and seventeen. COPPINGER.

By order of his Lordship:

JUAN DE ENTRALGO,
Notary of the Govt. and of the Royal Domain.

No. 3.

Translation.

His Excellency *the Governor:*

Petition of Younge for survey No. 1.

Don Felipe Roberte Younge, an inhabitant and merchant of this province, residing in this place, with due respect states to your Excellency that, on the 22d February, 1817, he obtained from your Excellency the grant, in absolute property, of twenty-five thousand acres of land in the two places indicated in the certificate annexed, and wishing to proceed in the survey and demarcation thereof, as he proposed it in his memorial, soliciting the said grant; and as there are appearances of tranquillity in the province, and as the said survey may be executed without difficulty by Don Andres Burgevin, an intelligent person, who has been commissioned to perform many surveys on account of the absence of the surveyor general: Therefore, your petitioner supplicates

your Excellency to be pleased to qualify the mentioned Burgevin for that effect, which favor he hopes to receive from the justice of your Excellency. St Augustine of Florida, 25th May, 1819.

PH. ROBERTE YOUNGE.

ST. AUGTSTINE, 25*th May*, 1819.

As he solicits, after having previously received the acceptation and oath of Don Andres Burgevin, before the present notary, and after having summoned the contiguous proprietors. COPPINGER.

Before me: JUAN DE ENTRALGO,
Notary of the Govt.

In St. Augustine, on the same day, month and year, I notified the preceding decree to Don Felipe Younge; which I certify. ENTRALGO.

On the same day, I notified to Don Andres Burgevin the appointment of surveyor conferred on him: whereupon he said that he would accept, and he did accept it, promising, under his legal oath, to fulfil well and faithfully the functions of his commission; which I certify.

ANDRES BURGEVIN.

Before me:

JUAN DE ENTRALGO.

No. 4.

Translation.

His Excellency *the Governor:*

Petition of Younge for survey No. 2.

Don Felipe Roberto Younge, an inhabitant of this province, with due respect states to your Excellency, that, for purposes which may be convenient to him, he finds it necessary that the private surveyor, Don Andres Burgevin, the legal formalities being previously observed, should proceed to separate, in an equal and proportionable manner, five thousand acres from the thirteen thousand which belong to him on the Long lake, west of the river St. Johns; according to the title of property issued in his favor on the 22d February, 1817, which thirteen thousand acres have been already surveyed and delineated by the said surveyor on the 2d August, 1819, as it appears by the plot which he made at that time, and which is in the office of the notary of the Government. And your petitioner hopes, from the justice of your Excellency, that you be pleased to qualify the said surveyor, that he may perform the said separation, and designate it in a separate plot, with its due demarcations, and make another of the remaining eight thousand, in order to show fully the situation and the boundaries of both tracts. Therefore, your petitioner supplicates your Excellency to provide accordingly, which favor he hopes to receive from the justice of your Excellency. St. Augustine of Florida, 13th May, 1820. PH. RTE. YOUNGE.

ST. AUGUSTINE, 13*th May*, 1820.

As he solicits; the acceptation and oath of Don Andres Bengevin being previously received before the present notary.

COPPINGER.

Before me:

JUAN DE ENTRALGO,
Notary of the Government.

In St. Augustine, on the same day, month and year, I notified the preceding decree to Don Felipe Roberte Younge; which I certify.

ENTRALGO.

On the same day, I notified to Don Andres Burgevin the appointment of surveyor conferred on him; whereupon he said that he would accept, and did accept it, promising, under his legal oath, to fulfil well and faithfully the commission entrusted to him according to his best knowledge and understanding; and he signed, which I certify.

ANDRES BURGEVIN.

Before me:

JUAN DE ENTRALGO.

[Here follows the annexed three plats and certificates, and numbered from one to three, inclusive.]

No. 1.

TRANSLATION.

I, Don Andres Burgevin, appointed surveyor by decree of this Government issued on the 25th of May of the present year, in favor of the interested party, do certify that I have surveyed and delineated to Don Felipe Roberto Younge a tract of land containing thirteen thousand acres, situated west of the Long lake, about forty miles distant south of St. George's lake, and they being in all other circumstances conformable to the preceding plat.

In testimony thereof, I give the present, which I sign, in St. Augustine of Florida, 2d August, 1819.

ANDRES BURGEVIN.

No. 2.

TRANSLATION.

I, Don Andres Burgevin, as the surveyor appointed by a decree of this Government, issued on the 25th of May of the present year, in favor of the interested party, do certify that I have surveyed and delineated for Don Felipe Roberto Younge a tract of land which contains twelve thousand acres of land, situated on the lake called Second, west of the said lake, and it being conform in its other circumstances to the following plat.

In testimony thereof, I give the present, which I sign in St. Augustine of Florida, on the second of August, one thousand eight hundred and nineteen.

ANDRES BURGEVIN.

No. 3.

TRANSLATION.

I, Don Andres Burgevin, as the surveyor appointed by the superior decree of this Government, issued on the thirteenth of the present month, in favor of the interested party, do certify that the following plat represents a tract of land containing eight thousand acres, as a part of a tract of thirteen

Lake.
Creek.
Cypress
swamp.

Pine

2nd. Line North 320 chains

Isaac Ayres

Pine Land

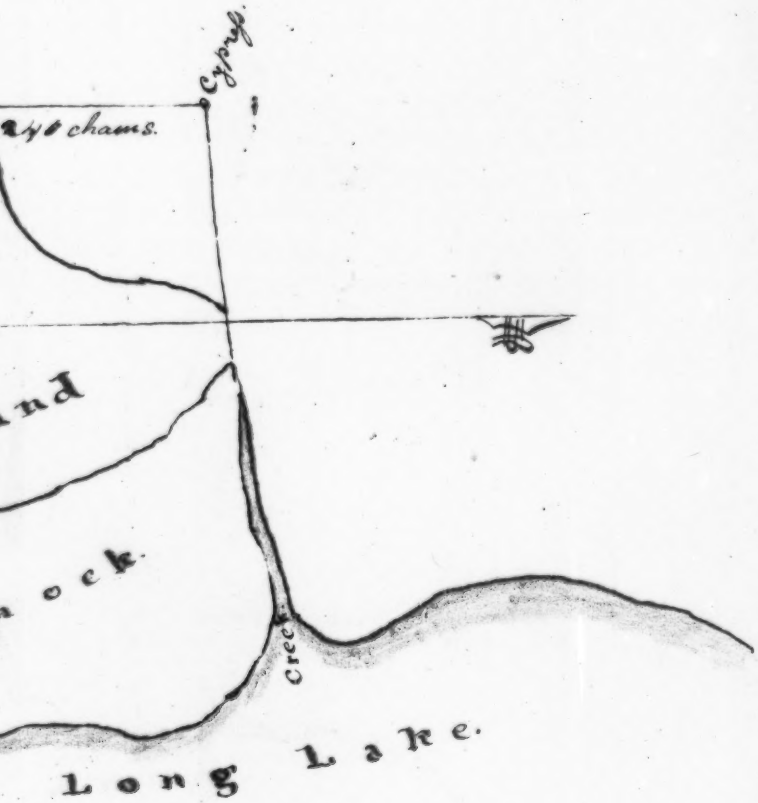
Hammock

Long

Line East 80 chains to stake

Tartan Road.
Creek.
3rd Line North 65 C. 3 20 chains
42.000 Acres
Prairie
Indian Road.
State.

Pine Land
Hammock
Lake called
2nd line North 25° E. 4
1st Line South 65° W. 320 chains.
Real Palm
Pine


Cypress
Creek
Long Lake.

Pine
5th Pine North 240 ch
8000 Acres.
Pine Land
Hamm
2nd L.S. 8 chains
2nd L.S. 8 chains
2nd L.S. 8 chains
L

to the execution and validity of this sale in sufficient form, and as it suits best, in favor of the purchaser, with the property of my principal, present and future, power and submission to the justice of his Majesty, in order that they compel me to the fulfilment thereof as if by sentence assented to, and having the authority of a judgment rendered: whereupon I renounce all the laws, immunities, rights and privileges, in his favor, and the general inform which prohibits it; and I, the mentioned purchaser, being present, do accept this bill of sale, and thereby receive as purchased the mentioned twelve thousand acres of land in the price and manner in which they are sold to me: I acknowledge to have received them to my satisfaction, with renunciation of the proof, laws of delivery, those of the thing not being seen or received, fraud and others of the case, and for which I give my receipt in form. In testimony whereof, this is done in this city of St. Augustine of Florida, on the twenty-second of December, one thousand eight hundred and twenty. I, the vendor, and only notary in this city, do sign this bill of sale for me and before me, together with the purchaser, and the witnesses Don Pedro Miranda, Don Jose Mariano Hernandez, and Don Fernando de la Maza Arredondo, junior, inhabitants, and present.

GUILLERMO TRAVERS.

For and before me: JUAN DE ENTRALGO.

No. 7.

Translation.—Real Sale.

Bill of sale from Entralgo to Travers for 8,000 acres.

Be it known that I, Don Juan de Entralgo, notary of the Government and of the public domain in this place, as the attorney of Don Felipe Roberto Younge, an inhabitant of this province now absent, who conferred on me his power in these archives, on the twenty-ninth of May, one thousand eight hundred and nineteen, before his lordship, Don Jose Coppinger, colonel of the national armies, military governor and civil chief of this said place, and the province thereof, and before the witnesses present, for want of another notary in the province; which power has not been revoked, and is sufficient for the purpose which will be exposed, and as I hold also written orders and instructions from the grantor himself, under the same date, to the same effect, do grant and sell really to Don Guillermo Travers, an inhabitant and merchant of this place, eight thousand acres of land belonging to my said principal, and situated west of the Long lake, about forty miles distant south of the Lake St. George, west of the river St. John, which are part of thirteen thousand acres, which, under date of the eleventh of February, one thousand eight hundred and seventeen, were granted by this Government to the said Don Felipe Roberto Younge in absolute property and dominion, as a reward for his services, and for which the corresponding title was issued to him on the twenty-second of the same month, the plat and survey of which, made by the private surveyor Don Andres Burgevin, on the second of August, one thousand eight hundred and nineteen, together with the documents referred to, and which form the expedient exist in my archives, the said dimension, being known in the following form: The first runs south, bounding with the five thousand acres which remain to my principal. The second line west, measures one hundred and forty chains. The third line south eight chains. The fourth line west two hundred and fifteen chains, and

terminates at a pine. The fifth line north two hundred and forty chains, commencing at the said pine, and terminating at a cypress, as it appears by another plat made by the said surveyor on the twentieth of May last, in conformity to a superior order—the whole of which is annexed to the said expedient; and I sell to him the said eight thousand acres of land, situated in the place and under the dimensions and limits already detailed, with all their inlets, outlets, uses, customs, rights and services, which they have and belong to them, free from all incumbrance, (as I do certify it, according to what results from the book of mortgages under my charge, which I have examined to this effect,) for the price of eight thousand dollars which the purchaser has paid me in ready money, and which I acknowledge to have received to my satisfaction; and I renounce the proof, the laws of delivery, the exception of the money not being counted down, fraud, and others relating to the case; and I grant a formal receipt, in virtue of which I divest Don Felipe Roberto Younge of the right of property, possession, use, dominion, and other actions, real and personal, which to the said lands he had and held; and I cede, renounce, and transfer the same to the said Don Guillermo Travers, and to whomever might represent his right, in order that he may possess them as his own, sell and alienate them as he pleases, in virtue of this bill of sale, which I execute in his favor as an evidence of real delivery, so that it is seen that he has acquired the possession thereof, without his wanting any other proof, from which I exonerate him; and I obligate the mentioned Don Felipe Roberto Younge to the eviction and validity of this sale in sufficient form, and in the manner which may best suit, in favor of the purchaser, with his other property present and future, power and submission to the justices of his Majesty, in order that they compel him to the fulfilment thereof, as by sentence assented to, and having the authority of a judgment rendered: whereupon, I renounce all the laws, immunities, rights, and privileges in my favor, and the general inform which prohibits it; and I, the said Don Guillermo Travers, being present, do accept in my favor this bill of sale, and by it receive as purchaser the mentioned eight thousand acres of land in the price and manner in which they are sold to me. I acknowledge to have received them to my own satisfaction, renouncing the proof, the laws of delivery, those of the thing not being seen nor delivered, fraud and others relating to the case, and for which I give my formal receipt. In testimony whereof, this is done in this said city of St. Augustine of Florida, on the twenty-second of December, one thousand eight hundred and twenty. I, the only notary of this city, and of the province thereof, and as the vendor, do sign this bill of sale by me and before me, with the purchaser and the witnesses, Don Pedro Miranda, Don Jose Mariano Hernandez, and Don Fernando de la Maza Arredondo, junior, inhabitants and present.

GUILLERMO TRAVERS.

By me, and before me: JUAN DE ENTRALGO.

The foregoing seven documents, and numbered from one to seven inclusive, and the three foregoing surveys, together with the certificates thereto annexed, are copies of translations made by the translator and interpreter of this court from copies furnished, and duly certified, by the keeper of the public archives for East Florida.

No. 8.

Territory of Florida.

Bill of sale from Travers to Levy for 20,000 acres.

This indenture made the 6th day of August, in the year of our Lord one thousand eight hundred and twenty-four, between William Travers, in the city of St. Augustine, in the county of St. John, in the Territory aforesaid, esquire, of the one part, and Moses E. Levy, of the said county of St. Johns, esquire, of the other part, witnesseth: that the said William Travers, for and in consideration of the sum of fifteen thousand dollars to him in hand well and truly paid by the said Moses E. Levy, at or immediately before the ensealing and delivery of these presents, the receipt whereof is hereby acknowledged, hath granted, bargained, sold, aliened, remised, and released, and forever quit claimed, and by these presents doth grant, bargain, sell, alien, remise, release, and forever quit claim unto the said Moses E. Levy, his heirs and assigns forever, twenty thousand acres of land, part and parcel of a certain parcel of land consisting of twenty-five thousand acres, which were originally granted to Philip R. Younge by a concession or grant bearing date the eleventh day of February, one thousand eight hundred and seventeen, and which were confirmed to the said Philip R. Younge by a royal title or grant in absolute property, bearing date the twenty-second day of February, one thousand eight hundred and seventeen, and which said concession and royal title were made under the authority of the King of Spain, by Don José Coppinger, then governor of East Florida, as will more fully and at large appear by a reference to the said original concession and royal title on file in the office of the public archives of East Florida; eight thousand acres, part and parcel of the said twenty thousand acres hereby granted and sold, or intended so to be, being situated on the west side of a place called Long pond, about forty miles south of Lake George, on the west of the river St John, in East Florida; and twelve thousand acres, the residue of the said twenty thousand acres of land hereby granted and sold, or mentioned or intended so to be, being situated on the lake called Second, and on the west side of the said lake, in East Florida; and which said twenty thousand acres of land were, on or about the twenty-second day of December, one thousand eight hundred and twenty, sold and transferred by the said Philip R. Younge to the said William Travers; and, also, all the advantages, hereditaments, rights, members, and appurtenances, unto the said twenty thousand acres of land belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and every part and parcel thereof, and all the estate, right, title, interest, claim, and demand of every kind whatsoever, both at law and in equity, of him, the said William Travers, of, in, and to, the said twenty thousand acres of land abovementioned, and intended to be hereby granted, sold and released, and every part thereof, with the appurtenances, to have and to hold the said twenty thousand acres of land, and all and singular other the premises above mentioned, and intended to be hereby granted, sold, and released, and every part and parcel thereof, with the appurtenances, unto the said Moses E. Levy, his heirs, and assigns, forever, and to and for the only proper use and behoof of the said Moses E. Levy, his heirs and assigns, forever; and the said William Travers, for himself, his heirs, executors, and administrators, doth hereby promise, covenant, and

agree to and with the said Moses E. Levy, his heirs and assigns, forever; that for and notwithstanding any act, matter, or thing whatsoever, by him, the said William Travers, made, done, committed, or wittingly or willingly permitted or suffered to the contrary, he, the said Moses E. Levy, his heirs and assigns, shall and will forever hereafter, peaceably and quietly have, hold, occupy, possess, and enjoy the said twenty thousand acres of land hereby granted, sold, and released, or mentioned or intended so to be; and that he, the said William Travers, and the said Philip R. Younge, have not, nor hath either of them, at any time heretofore, made, done, committed, or wittingly or willingly, permitted or suffered any act, matter, or thing whatsoever, whereby the said twenty thousand acres hereby granted, sold, and released, or mentioned and intended so to be, or any part thereof, are incumbered; and that the said twenty thousand acres of land, and every part thereof, are entirely, fully, and absolutely acquitted, exonerated, and discharged of and from all manner of gifts, grants, leases, sales, mortgages, surrenders, judgments, executions, estates, titles, charges, and incumbrances whatsoever, made, done, executed, committed, or suffered by the said William Travers and Philip R. Younge, or by either of them, or by any other person or persons, by, through, or with their consent, privity or procurement, or by, through, or with the consent, privity, or procurement of either of them.

In witness whereof, the parties to these presents have hereunto set their hands and seals, the day and year first above written.

WILLIAM TRAVERS. [SEAL.]

Sealed and delivered in the presence of us:

THOMAS F. CORNELL.

JOHN DRYSDALE.

Received from Moses E. Levy fifteen thousand dollars, the consideration mentioned to have been paid in the foregoing indenture.

WILLIAM TRAVERS.

Witness:

JOHN DRYSDALE.

Know all men by these presents that I, Rufina Entralgo, the wife of William Travers, of the city of St. Augustine, in the county of St. John, in the Territory of Florida, and whose name is to the foregoing indenture subscribed as a party thereto, for and in consideration of the sum of ten dollars good and lawful money of the United States, to me in hand well and truly paid by Moses E. Levy, esquire, of the same county, and who is also a party to the said indenture, at or before the sealing and delivery of these presents, the receipt whereof I do hereby acknowledge, have remised, released, and forever quit claimed, and, by these presents, do remise, release, and forever quit claim unto the said Moses E. Levy, and his heirs and assigns, all and all manner of dower, and right and title of dower, whatever, and all interest, estate, benefit, and advantage of every kind whatever, which I now have, or can, or shall, or may, at any time hereafter, have or claim, of, in, or out of the lands and tenements, in and by the aforesaid indenture, mentioned and intended to be thereby granted, sold, and released by my said husband, the said William Travers, to the said Moses E. Levy; and also, all manner of action and actions, suit and suits, and claims whatsoever, for dower, or for any right or demand in the nature of dower of in, out of, or upon the said lands and tenements, or any part or parcel thereof: and I do by these presents expressly renounce, relinquish, and release un-

No. 8.

Territory of Florida.

Bill of sale from Travers to Levy for 20,000 acres.

This indenture made the 6th day of August, in the year of our Lord one thousand eight hundred and twenty-four, between William Travers, in the city of St. Augustine, in the county of St. John, in the Territory aforesaid, esquire, of the one part, and Moses E. Levy, of the said county of St. Johns, esquire, of the other part, witnesseth: that the said William Travers, for and in consideration of the sum of fifteen thousand dollars to him in hand well and truly paid by the said Moses E. Levy, at or immediately before the ensealing and delivery of these presents, the receipt whereof is hereby acknowledged, hath granted, bargained, sold, aliened, remised, and released, and forever quit claimed, and by these presents doth grant, bargain, sell, alien, remise, release, and forever quit claim unto the said Moses E. Levy, his heirs and assigns forever, twenty thousand acres of land, part and parcel of a certain parcel of land consisting of twenty-five thousand acres, which were originally granted to Philip R. Younge by a concession or grant bearing date the eleventh day of February, one thousand eight hundred and seventeen, and which were confirmed to the said Philip R. Younge by a royal title or grant in absolute property, bearing date the twenty-second day of February, one thousand eight hundred and seventeen, and which said concession and royal title were made under the authority of the King of Spain, by Don José Coppinger, then governor of East Florida, as will more fully and at large appear by a reference to the said original concession and royal title on file in the office of the public archives of East Florida; eight thousand acres, part and parcel of the said twenty thousand acres hereby granted and sold, or intended so to be, being situated on the west side of a place called Long pond, about forty miles south of Lake George, on the west of the river St John, in East Florida; and twelve thousand acres, the residue of the said twenty thousand acres of land hereby granted and sold, or mentioned or intended so to be, being situated on the lake called Second, and on the west side of the said lake, in East Florida; and which said twenty thousand acres of land were, on or about the twenty-second day of December, one thousand eight hundred and twenty, sold and transferred by the said Philip R. Younge to the said William Travers; and, also, all the advantages, hereditaments, rights, members, and appurtenances, unto the said twenty thousand acres of land belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and every part and parcel thereof, and all the estate, right, title, interest, claim, and demand of every kind whatsoever, both at law and in equity, of him, the said William Travers, of, in, and to, the said twenty thousand acres of land abovemeationed, and intended to be hereby granted, sold and released, and every part thereof, with the appurtenances, to have and to hold the said twenty thousand acres of land, and all and singular other the premises above mentioned, and intended to be hereby granted, sold, and released, and every part and parcel thereof, with the appurtenances, unto the said Moses E. Levy, his heirs, and assigns, forever, and to and for the only proper use and behoof of the said Moses E. Levy, his heirs and assigns, forever; and the said William Travers, for himself, his heirs, executors, and administrators, doth hereby promise, covenant, and

agree to and with the said Moses E. Levy, his heirs and assigns, forever; that for and notwithstanding any act, matter, or thing whatsoever, by him, the said William Travers, made, done, committed, or wittingly or willingly permitted or suffered to the contrary, he, the said Moses E. Levy, his heirs and assigns, shall and will forever hereafter, peaceably and quietly have, hold, occupy, possess, and enjoy the said twenty thousand acres of land hereby granted, sold, and released, or mentioned or intended so to be; and that he, the said William Travers, and the said Philip R. Younge, have not, nor hath either of them, at any time heretofore, made, done, committed, or wittingly or willingly, permitted or suffered any act, matter, or thing whatsoever, whereby the said twenty thousand acres hereby granted, sold, and released, or mentioned and intended so to be, or any part thereof, are incumbered; and that the said twenty thousand acres of land, and every part thereof, are entirely, fully, and absolutely acquitted, exonerated, and discharged of and from all manner of gifts, grants, leases, sales, mortgages, surrenders, judgments, executions, estates, titles, charges, and incumbrances whatsoever, made, done, executed, committed, or suffered by the said William Travers and Philip R. Younge, or by either of them, or by any other person or persons, by, through, or with their consent, privity or procurement, or by, through, or with the consent, privity, or procurement of either of them.

In witness whereof, the parties to these presents have hereunto set their hands and seals, the day and year first above written.

WILLIAM TRAVERS. [SEAL.]

Sealed and delivered in the presence of us:

THOMAS F. CORNELL.
JOHN DRYSDALE.

Received from Moses E. Levy fifteen thousand dollars, the consideration mentioned to have been paid in the foregoing indenture.

WILLIAM TRAVERS.

Witness:

JOHN DRYSDALE.

Know all men by these presents that I, Rufina Entralgo, the wife of William Travers, of the city of St. Augustine, in the county of St. John, in the Territory of Florida, and whose name is to the foregoing indenture subscribed as a party thereto, for and in consideration of the sum of ten dollars good and lawful money of the United States, to me in hand well and truly paid by Moses E. Levy, esquire, of the same county, and who is also a party to the said indenture, at or before the sealing and delivery of these presents, the receipt whereof I do hereby acknowledge, have remised, released, and forever quit claimed, and, by these presents, do remise, release, and forever quit claim unto the said Moses E. Levy, and his heirs and assigns, all and all manner of dower, and right and title of dower, whatever, and all interest, estate, benefit, and advantage of every kind whatever, which I now have, or can, or shall, or may, at any time hereafter, have or claim, of, in, or out of the lands and tenements, in and by the aforesaid indenture, mentioned and intended to be thereby granted, sold, and released by my said husband, the said William Travers, to the said Moses E. Levy; and also, all manner of action and actions, suit and suits, and claims whatsoever, for dower, or for any right or demand in the nature of dower of in, out of, or upon the said lands and tenements, or any part or parcel thereof: and I do by these presents expressly renounce, relinquish, and release un-

to the said Moses E. Levy, his heirs and assigns, every right, claim, demand, benefit, and advantage whatever, which I am now, or may at any time hereafter be entitled to, of, in, to, or upon the said lands, tenements, and hereditaments, in and by the aforegoing indenture mentioned, and intended to be thereby granted, sold, and released, and upon the said Moses E. Levy, his heirs and assigns, by reason of the said conveyance of the said lands, tenements, and hereditaments to him by the said Moses E. Levy, by my said husband, arising out of, or founded upon, either the laws of Spain heretofore of force in this Territory, or the laws of this Territory.

In witness whereof, I have hereto set my hand and seal, the ninth day of August, one thousand eight hundred and twenty-four.

RUFINA ENTRALGO. [L. S.]

Sealed and delivered in the presence of us:

PEDRO MIRANDA.
JOHN DRYSDALE.

Be it known and remembered that I, Rufina Entralgo, the wife of William Travers, did freely, voluntarily, and without any constraint, compulsion, apprehension, or fear of, or from my said husband, sign, seal, and, as my act and deed, deliver the above release, relinquishment, and renunciation of dower. In witness whereof, I have hereto set my hand and seal, the ninth day of August, one thousand eight hundred and twenty-four.

RUFINA ENTRALGO. [L. S.]

Signed, sealed, and taken, made, and acknowledged by the said Rufina Entralgo, in my presence, and separately and apart from her said husband, the said William Travers, the day and year above written.

BERNARDO SEGUI, *J. P.*

TERRITORY OF FLORIDA, *County of St. Johns.*

On this tenth day of August, A. D. 1824, came before me, the subscriber, clerk of the county court for the county aforesaid, John Drysdale, and made oath that William Travers and Rufina Entralgo, his wife, parties to the within deed, acknowledged their several signatures thereto, to be their act and deed for the purposes therein mentioned: whereupon, I have recorded the same in book E, at page 81. Witness my name the date aforesaid.

JAMES S. TINGLE, *Clerk.*

Second. Documents in relation to the claim for *ten thousand four hundred acres* of land in this case, under a grant to *Antonio Huertas* for 15,000 acres.

No. 1.

TRANSLATION.

His excellency the Governor:

Memorial of Huertas to Spanish Government for grant.

Don Antonio Huertas, an inhabitant of this city, with due respect, represents to your excellency, that, although he has obtained a grant for ten thousand acres of land on the twenty-seventh of March, one thousand eight hundred and thirteen, for the purpose of raising cattle, in which he has been engaged for many years to this time, as it happens that almost all that tract con-

sists in pine lands, and as very little of it is fit for cultivation; and your petitioner being one of those who, by his good notorious and constant services rendered in defence of this province, and by the fact of his being one of the first settlers thereof, is entitled, in every respect, to the reward of a greater quantity of acres, both by the provisions of the laws concerning that subject, and on account of the quality of his services, the detail of which is omitted, as they are well known to your excellency, and which consist, not only in those which he has rendered in the service of his majesty, in whose employ he has been engaged since he was eighteen years old, but also in supplying, in an extraordinary manner, the garrison of this peace in times of calamity and insurrection, in which exertions he has sacrificed his interests, and exposed himself to dangers, with the assistance of which it may be said that said garrison was saved: therefore, your petitioner supplicates your excellency to be pleased to grant him fifteen thousand acres of land more in absolute property and dominion, on a stream which runs from the west, and unites itself with the river St. John at about twelve miles south of Lake George, the survey being to commence at four or five miles west of the said river St. John, and the said stream dividing the said tract in two parts, and the title in form will be reserved until your petitioner has an opportunity to proceed to the survey and delineation of the said tract made by an intelligent person, as there are difficulties to do it at this day, and owing also to the absence of the surveyor, Don Jorge Clarke, appointed by the Government. This favor your petitioner expects to receive from the justice of your excellency. St. Augustine of Florida, on the fifteenth of September, one thousand eight hundred and seventeen.

ANTONIO HUERTAS.

Grant to Huertas for 15,000 acres.

Decree.—St. Augustine, on the fifteenth of September, one thousand eight hundred and seventeen, in attention to what the party represents, and as the services to which he refers are well known, I grant to him in the name of his Majesty, and of his royal justice which I administer, the fifteen thousand acres of land which he solicits, in order that he may possess and enjoy them in absolute property and ownership; and in order that he may prove this grant, he will receive an authentic and certified copy of this expedient, which will be deposited in the Secretary's office, from which will be issued the titles in form when the survey and plats will be made as the petitioner solicits it.

COPPINGER.

No. 2.

TRANSLATION.

Don Jose Coppinger, colonel of the national armies, military governor, civil chief and sub-delegate of the royal domain of this city of St. Augustine of Florida, and the province thereof:

Royal title to Huertas for 1,500 acres.

Whereas in a royal order of the twenty-ninth of March, one thousand eight hundred and fifteen, his majesty has been pleased to approve the favors and rewards proposed by my predecessor, Brigadier Don Sabastian Kindelan, for the officers and soldiers of the regular and militia corps, and for other persons of this province who contributed to the defence thereof in time of rebellion; one of the said favors consisting in the distribution of the vacant lands, and in attention that Don Antonio Huertas has

exhibited to me the distinguished and extraordinary services which he has rendered both in the defence of this place, and by supplying the garrison and the officers thereof in times of calamity and insurrection, sacrificing his private interest, and exposing himself to dangers, in order to lend his aid to the preservation of the said garrison, as he has shown in his petition of the fifteenth of September, one thousand eight hundred and seventeen; in consequence of which, and of the notoriety of what he did represent therein, and in virtue of my authority, I thought proper, in my decree of the same day, to accede to his request, and to grant to him, as I did grant, fifteen thousand acres of land on a stream which runs from the west, and unites itself with the river St. John, about twelve miles south of the Lake St. George, the tract being divided by the said stream, and the survey of which having been performed by the private surveyor, Don Andres Burgevin in four distinct parcels; in consequence of the faculty which I conferred on him by my decree of the thirteenth December, one thousand eight hundred and twenty, it results that one of the said parcels containing one thousand and five hundred acres is located in the following form: they are bounded east by another parcel of two thousand and five hundred acres; west by another of six hundred; and on the other sides by vacant lands. The first line runs south one hundred chains, the second west one hundred and fifty chains; each of the said lines commencing and terminating at pines marked ≡, as it appears by the plat certified by the said surveyor under date of the fifth instant, which, with the expedient relating thereto, exists registered in the office of the notary of Government: wherefore, and in attention to the said recommendable services, in accordance with the will of the sovereign, and to the provisions of the laws in reference to rewarding with distinction those who are entitled thereto, due attention being paid to the nature of said services, and to the quality of the persons who render them, I have determined to grant, as in the name of his majesty I do grant, to the aforesaid Don Antonio Huertas the mentioned one thousand and five hundred acres of land in the indicated place, without prejudice to a third party, for himself, his heirs, and successors, in absolute property, and to issue to him, as I do hereby issue, the corresponding title, by which I divest the public domain of the right, and dominion which it had to the said tract, and I cede and transfer it to the mentioned Don Antonio Huertas, his heirs and successors, in order that, in consequence thereof, they possess it as their own, use and enjoy it without any incumbrance whatever, with all its inlets and outlets, uses, customs, rights and services, which it has had, has, and which, in fact and of right, appertain or may relate thereto, and in order that, if it is their will, they may sell, cede, transfer, and alienate it as may best suit them: to the whole of which I interpose my judicial authority as far as I can, and of right ought, in virtue of what has been exposed, and of the sovereign will.

Given under my signature, and countersigned by the subscribed notary of the Government and of the public domain, in this city of St. Augustine of Florida, on the tenth of April, one thousand eight hundred and twenty-one.

COPPINGER.

By order of his Lordship:

JUAN DE ENTRALGO,

Notary of the Gov't and of the Public Domain.

No. 3.

TRANSLATION.

Don Jose Coppinger, colonel of the national armies, military governor, and civil chief and sub-delegate of the public domain, in this city of St. Augustine of Florida, and of the provice thereof:

Royal title to Huertas for 2,500 acres.

Whereas in a royal order of the twenty-ninth of March, one thousand eight hundred and fifteen, his Majesty has been pleased to approve the favors and rewards proposed by my predecessor, Brigadier Don Sabastian Kindelan, for the officers and soldiers of the regular and militia corps, and for other persons of this province who contributed to the defence thereof in time of rebellion; one of the said favors consisting in the distribution of royal lands, and in attention that Don Antonio Huertas has exhibited to me the distinguished and extraordinary services which he has rendered both in the defence of this place, and in supplying the garrison, and the officers thereof, in times of calamity and insurrection, sacrificing his private interests, and exposing himself to dangers in order to lend his aid to the preservation of the said garrison, as it appears by his petition of the fifteenth of September, one thousand eight hundred and seventeen: in consequence of which, and of the notoriety of what he represents therein, and in virtue of my authority, I thought proper in my decree of the same day, to accede to his request, and to grant him, as I did grant, fifteen thousand acres of land on a creek which runs from the west, and unites itself with the river St. John about twelve miles south of the Lake St. George, the said tract being to be divided by the said stream; the survey of which having been performed by the private surveyor, Don Andres Burgiven, and in four separate parcels, in conformity to the faculty which I conferred on him by my decree of the thirteenth of December, one thousand eight hundred and twenty, it results that one of the said parcels, containing two thousand and five hundred acres, is located in the form following: they are bounded west by another parcel of one thousand five hundred acres, and on the other side by vacant lands. The first line runs south, commencing at a pine marked=, and terminating at another with the same mark, and measuring one hundred and twenty-five chains; the second line runs west two hundred chains; the third runs north one hundred and twenty five chains; and the fourth line runs east two hundred chains; each of the said lines commencing and terminating at pines marked as the preceding, as it appears from the plat made by the surveyor under date of the fifth instant, which, with the expedient relative thereto, exists registered in the notary's office of the Government: Therefore, and in consi dera tionf the said recommendable services, in accordance with the will of the sovereign, and in consideration of the provisions of the laws ordering to reward with distinction those who are entitled to it, due attention being paid to the nature of said services and to the quality of those who render them, I have determined to grant, as in the name of his majesty I do grant, to the aforesaid Don Antonio Huertas the mentioned two thousand and five hundred acres of land in the indicated place, without prejudice to a third party, for himself, his heirs and successors, in absolute property, and to issue to him, as I do hereby issue, the corresponding title, by which I divest the public domain of the right and dominion which it had to the said tract; and I cede and transfer it to the mentioned Don Antonio Huertas, his heirs and successors, in order that, in consequence thereof, they possess it as their own, use and enjoy it

without any incumbrance whatever, with all its inlets, outlets, uses, and customs, rights and services, which it has had, has, and which in fact and of right appertain and may relate thereto; and in order that, if it is their will, they may sell, cede, transfer, and alienate the same, as may best suit them: to the whole of which I interpose my judicial authority as far as I can, and of right ought, in virtue of what has been exposed, and of the sovereign will.

Given under my signature, and countersigned by the subscribed notary of the Government and of the public domain, in this city of St. Augustine of Florida, on the tenth of April, one thousand eight hundred and twenty-one.

JOSE COPPINGER.

By order of his Lordship:

JUAN DE ENTRALGO,
Notary of the Gov't and of the Public Domain.

No. 4.

TRANSLATION.

Don Jose Coppinger, colonel of the national armies, military governor, civil chief and sub-delegate of the public domain in this city of St. Augustine, in Florida, and of the province thereof:

Royal title to Huertas for 600 acres.

Whereas in a royal order of the twenty-ninth of March, one thousand eight hundred and fifteen, his majesty has been pleased to approve the favors and rewards proposed by my predecessor, Brigadier Don Sebastian Kindelan, for the officers and soldiers of the regular and militia corps, and other persons of this province who contributed to the defence thereof in time of rebellion; one of the said favors consisting in the distribution of vacant lands, and in attention that Don Antonio Huertas has exhibited to me the distinguished and extraordinary services which he has rendered, both in the defence of this place and in supplying the garrison and officers thereof in times of calamity and insurrection, sacrificing his private interests, and exposing himself to dangers, in order to lend his aid to the preservation of the said garrison, as he did show it in his petition of the fifteenth of September, one thousand eight hundred and seventeen; in virtue of which, and of the notoriety of what he represents therein, and in virtue of my authority, I thought proper in my decree of the same day to accede to his request, by granting him, as I did grant, fifteen thousand acres of land on a stream which runs from the west, and unites itself with the river St. Johns, about twelve miles south of the Lake St. George, the tract to be divided by the said stream; and the survey of which having been performed by the private surveyor, Don Andres Burgevin in four separate parcels, in conformity to the faculty which I conferred on him by my decree of the thirteenth of December, one thousand eight hundred and twenty, it results that one of the said parcels, containing six hundred acres, is located in the form following: they are bounded east by another parcel of one thousand and five hundred acres, west by another of ten thousand and four hundred, and on the other sides by vacant lands. The first line runs south; it commences at a live oak marked = , and terminates at a laurel with the same mark, and measures sixty chains; the second line runs west, commences at the said laurel, and terminates at a gum tree, and measures one hundred and ten chains: the third line runs north, twenty degrees east, measuring sixty-five and a half chains; and the fourth runs east, measuring

ninety chains, commencing at a laurel with the same mark, and terminating at the mentioned live-oak, where the survey commenced, as it appears by the plat which he certified, under date of the fifth instant, which, with the expedient relating thereto, exists registered in the office of the notary of the Government: Wherefore, and in attention to the said recommendable services, in accordance with the will of the sovereign, and with what the laws provide in relation to rewarding with distinction those who are entitled thereto, due attention being paid to the nature of the said services, and to the quality of those who render them, I have determined to grant, as in the name of his majesty I do grant, to the aforesaid Don Antonio Huertas the mentioned six hundred acres of land in the indicated place, without prejudice to a third party, for himself, his heirs and successors, in absolute property, and to issue to him, as I do hereby issue, the corresponding title, by which I divest the public domain of the right and dominion which it had to the said land, and I cede and transfer it to the mentioned Don Antonio Huertas, his heirs and successors, in order that, in consequence thereof, they possess it as their own, use, and enjoy it, without any incumbrance whatever, with all their inlets, outlets, uses, customs, rights, and services, which it has had, has, and which in fact and of right appertain and may relate thereto; and in order that, if it is their will, they may sell, cede, transfer and alienate it, as may best suit them: to the whole of which I interpose my judicial authority as far as I can, and of right ought, in virtue of what has been exposed, and of the sovereign will. Given under my signature, and countersigned by the subscribed notary of the Government and of the public domain, in this city of St. Augustine of Florida, on the tenth of April, one thousand eight hundred and twenty-one.

JOSE COPPINGER.

By order of his Lordship:
JUAN DE ENTRALGO,
Notary of the Gov't and of the Royal Domain.

No. 5.

TRANSLATION.

Title of property in favor of Don Antonio Huertas for 10,400 *acres of land in the place therein expressed.*

Don Jose Coppinger, colonel of the national armies, military governor, civil chief, and sub-delegate of the public domain, in this city of St. Augustine, of Florida, and in the province thereof:

Royal title to Huertas for 10,400 acres.

Whereas, in a royal order of the twenty-ninth of March, one thousand eight hundred and fifteen, his majesty has been pleased to approve the favors and rewards proposed by my predecessor, Brigadier Don Sabastian Kindelan, for the officers and soldiers both of the regular and militia corps, and other persons in this province who contributed to the defence thereof in time of rebellion; one of said favors consisting in the distribution of vacant lands, and in attention that Don Antonio Huertas has exhibited to me the distinguished and extraordinary services which he has rendered in defending this place, and in supplying the garrison and the officers of the Government thereof in times of calamity and insurrection, sacrificing his personal interests, and exposing himself to dangers, in order to contribute to the preservation of the

said garrison, as he has manifested in his petition of the fifteenth of September, one thousand eight hundred and seventeen; in virtue of which, and of the notoriety of what he has represented therein, and in virtue of my authority, I thought proper, in my decree of the same day to accede to his request, by granting him, as I do grant to him, fifteen thousand acres of land on a stream which runs from the west, and unites itself with the river St. John, about twelve miles distant south of the Lake George, the tract being divided by the said stream; the survey of which having been performed by the private surveyor, Don Andres Burgevin, who separated the tracts in four parcels, in consequence of the faculty conferred on him by my decree of the thirteenth of December, one thousand eight hundred and twenty, it results that one of them containing ten thousand and four hundred acres, has been located in the manner following: said parcel is bounded east by another of six hundred acres, and on the other sides by vacant lands. The first line runs south twenty-three degrees west, measuring three hundred and twenty-two chains; the second line runs north, seventy degrees west, measuring three hundred and twenty-three chains; the third line runs north twenty degrees east, measuring three hundred and twenty-two chains; and the fourth line runs south seventy degrees east, measuring three hundred and twenty-three chains; and each of the said lines commences and terminates at pines marked=, as it appears by the plat authenticated by the said surveyor under date of the fifth instant, which, with the expedient relating thereto, exists in the office of the notary of the Government: Therefore, and in attention to the said recommendable services, and in accordance with the will of the sovereign, and with what provide the laws in order to reward with distinction those who are entitled to reward, attention being paid to the quality of said services, and to that of the persons who render them, I have determined to grant, as in the name of his majesty I do grant, to the said Don Antonio Huertas, the mentioned ten thousand and four hundred acres of land, in the indicated place, without prejudice to a third party, for himself, his heirs, and successors, in absolute property, and to issue to him, as I do hereby issue, the corresponding title, by which I divest the public domain of the right and dominion which it had to the said tract; and I cede and transfer the same to the said Don Antonio Huertas, his heirs and successors, in order that, in consequence thereof, they possess it as their own, use, and enjoy it without any incumbrance whatever, with all its inlets and outlets, uses, customs, rights, and services, which it has had, has, and which in fact and of right appertain and may relate thereto, and in order, if it is their will, they may sell, cede, transfer, and alienate it, as it may best suit them: to the whole of which I interpose my judicial authority, as far as I can and of right ought, in virtue of what has been exposed, and of the sovereign will. Given under my signature, and countersigned by the subscribed notary of the Government and of the public domain, in this said city of St. Augustine of Florida, on the tenth day of April, one thousand eight hundred and twenty-one.

JOSE COPPINGER,

By order of his Lordship:

JUAN DE ENTRALGO,

Notary of the Govt. and of the Public Domain.

It is conform to the original thereof, which exists in the archives under my charge; to which I refer, and, at the request of the party, I sign and seal

the present certificate in three sheets of common paper, as stamped paper is not used. St. Augustine of Florida, on the tenth of April, one thousand eight hundred and twenty-one.

[L. S.] JUAN DE ENTRALGO,
Notary of the Govt. and of the Public Domain.

Transfer of 10,400 acres from Huertas to Entralgo.

I cede and renounce in favor of Don Juan Blas de Entralgo all the right, title, and dominion which I have to the ten thousand and four hundred acres of land contained in this document of ownership, as I have sold them to him for the sum of five thousand dollars, for which I give him a formal receipt. St. Augustine of Florida, on the 4th December, 1821.

ANTO. HUERTAS.

Witness present:
DOMINGO REYES.

No. 6.

Translation.

His Excellency *the Governor.*

Petition of Huertas for, and order of survey.

Don Antonio Huertas, an inhabitant of this city, with the greatest respect, represents to your Excellency, that he has determined to proceed to the survey and delineation of fifteen thousand acres of land, which, by a grant of the 15th of September, he obtained from your Excellency in absolute property as a reward for his services, on a stream which runs from the west, and unites itself with the river St. John, about twelve miles south of the Lake St. George, the survey being to be commenced four or five miles west of the said river St. John, and the tract divided in two parts by the said stream; for which purpose he supplicates your Excellency to qualify the surveyor, Don Andres Burgevin, in order that, with the usual formalities, he may execute the said survey in four porcels; one of which of two thousand and five hundred acres, another of one thousand and five hundred, another of six hundred acres, and the remaining parcel of ten thousand and four hundred acres, and form the separate plats; which favor he hopes to receive from the justice of your Excellency. St. Augustine of Florida: 13th December, 1820.

ANTONIO HUERTAS.

St. Augustine, 13th December, 1820. As he solicits, Don Andres Burgevin having accepted the commission, and taken the oath, and the contiguous neighbors having been summoned.

COPPINGER.

Before me: JUAN DE ENTRALGO,
Notary of the Government.

In St. Augustine, on the same day, month, and year, I notified the preceding decree to Don Antonio Huertas; which I certify.

ENTRALGO.

On the same day, I notified to Don Andres Burgevin the appointment of surveyor conferred on him, whereupon he said that he would accept, and

he did accept it, promising under his legal oath to perform well and faithfully the functions of his commission, according to his best knowledge and understanding; and he signed, which I certify.

BURGEVIN.

Before me: JUAN DE ENTRALGO.

[Here follows the annexed plat and certificate of survey of 10,400 acres of land.]

TRANSLATION.

I, Don Andres Burgevin, an inhabitant of this city, and private surveyor, do certify that, in consequence of the faculty conferred on me by a decree of the thirteenth of December, one thousand eight hundred and twenty, issued at the instance of Don Antonio Huertas, I have surveyed for him various tracts of land forming fifteen thousand acres of land, which were granted to him as a reward for his services on a stream running from the west, and uniting itself with the river St. John, at about twelve miles south of the Lake St. George, the tract being divided by the said stream, and one of the parcels comprehending ten thousand and four hundred acres, which are bounded east by another of six hundred acres, and in other points by vacant lands. The figure and delineations thereof are indicated in the preceding plat.

In testimony whereof, and for the convenience of the interested party, I sign the present, in St. Augustine of Florida, on the fifth of April, one thousand eight hundred and twenty-one.

ANDRES BURGEVIN.

The foregoing six documents, and numbered from one to six inclusive, and the foregoing survey, together with the certificate thereto annexed, are copies of translations made by the translator and interpreter of this court from copies furnished and duly certified by the keeper of the public archives for East Florida.

No. 7.

Indenture from Huertas to Levy of 10,400 acres.

This indenture made the 31st day of December, in the year of our Lord one thousand eight hundred and twenty-five, between Don Antonio Huertas, of the city of Havana, in the Island of Cuba, of the first part, and Moses E. Levy, of the county of Alachua, in the Territory of Florida, of the second part, witnesseth: that the said Antonio Huertas, for and in consideration of the sum of ten dollars to him by the said Moses E. Levy in hand well and truly paid at or before the ensealing and delivery of these presents, the receipt whereof is hereby acknowledged, hath granted, bargained, sold, released, confirmed, and forever quit claimed, and by these presents doth grant, bargain, sell, release, confirm, and forever quit claim unto the said Moses E. Levy, his heirs and assigns, forever, all that certain piece or parcel of land consisting of ten thousand four hundred acres, being part and parcel of a tract of land consisting of fifteen thousand acres, situated and being on the river St. John, about twelve miles south of Lake George, in East Florida; which said tract of land was originally granted to the said Antonio Huer-

tas in absolute property, by a concession or grant bearing date on or about the fifteenth day of September, in the year one thousand eight hundred and seventeen, by Don Jose Coppinger, then the governor of East Florida, as will fully and at large appear by the said original grant or concession of file in the office of the keeper of the public archives of East Florida, reference being hereunto had, with all and singular the hereditaments, rights, members, and appurtenances, unto the said ten thousand four hundred acres of land belonging, or in any wise appertaining; and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and of every part thereof; and all the estate, right, title, interest, claim and demand, of every kind whatsoever, of the said Antonio Huertas of, in, to, and upon the said ten thousand four hundred acres of land, and other the premises above mentioned; to have and to hold the said ten thousand four hundred acres of land, and all and singular other the premises above mentioned, with the appurtenances, unto the said Moses E. Levy, his heirs and assigns forever, and to and for his and their use, benefit, and behoof, forever. It is hereby declared, by and between the parties to these presents, that the ten thousand four hundred acres of land above mentioned, to be granted and released by the said Antonio Huertas, to the said Moses E. Levy, are the same ten thousand four hundred acres of land which were, by the said Antonio Huertas, sold and conveyed, or intended to be conveyed, to one Juan de Entralgo, on or about the fourth day of December, one thousand eight hundred and twenty-one, and which were by indenture bearing date the sixth day of August, one thousand eight hundred and twenty-four, conveyed by the said Juan de Entralgo to the said Moses E. Levy, party to these presents; and that the true intent, design, and purpose of these presents, are to remedy and remove a defect existing, or supposed to exist, in the conveyance or instrument of transfer from the said Antonio Huertas to the above named Juan de Entralgo.

In witness whereof, the parties to these presents have hereto set their hands and seals, the day and year first above written.

ANTO. HUERTAS. [SEAL.]

Sealed and delivered in the presence of us:
FRANCO. P. SANCHEZ.
WILLIAM TRAVERS.

TERRITORY OF FLORIDA, *St. Johns County, ss.*

Be it remembered that, on this 25th day of August, 1826, William Travers, a subscribing witness to the within instrument of writing, came before me, the subscriber, clerk of the court for the county aforesaid, and made oath that Anto. Huertas, in his presence, executed the same as and for his act and deed, for the purposes therein mentioned; whereupon I have recorded the same.

Witness my name, the date above written.

A. C. TINGLE.

Third. Documents in relation to the claims for *seven thousand four hundred acres* of land in this case, under a grant to *Pedro Miranda* for 10,000 acres.

Pine

3rd Line North 20°

Hammock

Marsh

Pine Land.

10,400 Acres.

2nd Line North 70° West 32 3 Chains

Pine

th 90° W. 322 Chains.

Pine

Pine Land.

Hammock.

Plum

Pine

1st Line South 70° East 32 3 chains

Near Line South 20° East 32 3 chains.

No. 1.

Translation.

His Excellency *the Governor.*

Memorial of Miranda to Spanish Government for 10,000 acres.

Don Pedro Miranda, first pilot of the bar, and captain of the port, with due respect, represents to your Excellency that this Government well knows the services which your petitioner has rendered since the insurrection of this province in the year 1812, contributing to the defence thereof with his person and property, and having had to fulfil sundry extraordinary commissions for which he never received any gratification whatever. It is equally well known and proved that, in the insurrection of the year 1794, he was also extraordinarily employed in other commissions concerning the royal service, and has, on all occasions, contributed by his best exertions to the economy of the royal treasury. In consideration of all this, and of having served his Majesty from his youth, and being one of the first who came at the reception of this province, which circumstance of being an inhabitant entitles him to the reward of lands, as it has been done with respect to others; and as the tract which your Excellency has been pleased to grant him is not equal to the liberality which has been shown to them, therefore, your petitioner supplicates your Excellency be pleased to grant him in absolute property and ownership, ten thousand acres of land on a stream running from the west, and entering the river St. John, and called in English the Big spring, about twenty-five miles south of St. George's lake; one of the fronts of the said tract to be on St. John's river, and to be divided in two parts by the stream aforesaid, and releasing the grant of two thousand acres, which were given to him on the first of July last past, and reserving the issuing to him the titles of property when it will be possible to make the survey and the plat, as said lands produce nothing to defray the expense; which favor your petitioner expects to receive from the justice of your Excellency. St. Augustine of Florida, 16th September, 1817.

PEDRO MIRANDA.

Decree.

Grant to Miranda for 10,000 acres.

St. Augustine, 16th September, 1817. In attention to what Don Pedro Miranda represents in the preceding memorial, and as the services he alleges are notorious and proved, and in order to conciliate at the same time the provisions of the laws, and the dispositions of the royal orders concerning the increase of settlement, I, in the name of his Majesty, and of his royal justice which I administer, do hereby grant to him the ten thousand acres of land which he solicit, in the places which he designates, in order that he may enjoy them in absolute property and ownership; and to this end, and in order that he may prove the said grant, he will receive an authentic copy of this process, which will be deposited in the archives of the notary's office, from which the titles in form will be issued to him in the proper time, or whenever the interested party may require them.

COPPINGER.

No. 2.

Translation.

His Excellency *the Governor.*

Petition of Miranda for, & order of survey.

Don Pedro Miranda, an inhabitant of this city, with due respect, states to your Excellency that he wishes to carry into effect the survey and demarcation of ten thousand acres of land which your Excellency was pleased to grant him on the 16th September, 1817, on a stream which runs from the west, and is called in English Big spring, and which unites itself with the river St. Johns, about twenty-five miles south of the Lake St. George, the tract being divided in two parts by the said stream, and having one of its fronts on the river St. John; and for this operation he has engaged Don Andres Burgevin, a private surveyor: Therefore, your petitioner supplicates your Excellency to be pleased to qualify said Burgevin, in order that he may proceed to the said survey and execution of the plats in the customary form, dividing said tract in four parcels, one of four thousand acres, another of three thousand and four hundred, another of two thousand, and the fourth of six hundred acres; all of which being duly separated. St. Augustine, of Florida, 12th of December, 1820.

PEDRO MIRANDA.

St. Augustine, 12th December, 1820. As he solicits; the acceptation and oath of Don Andres Burgevin being previously received, and the adjoining proprietors being summoned.

COPPINGER.

Before me: JUAN DE ENTRALGO,
Notary of Govt.

In St. Augustine, on the same day, month, and year, I notified the preceding decree to Don Pedro Miranda; which I certify.

ENTRALGO.

On the same day, month, and year, I notified to Don Andres Burgevin the appointment conferred on him; whereupon he said that he would accept, and he did accept it, promising under his legal oath to exercise well and faithfully the functions of his commission, according to his best knowledge and understanding; and he signed, which I certify.

ANDRES BURGEVIN.

Before me: JUAN DE ENTRALGO.

[Here follows the annexed two plats and certificates.]

No. 1.

TRANSLATION.

I, Don Andres Burgevin, an inhabitant of this city, and private surveyor, do certify that, in conformity to the faculty conferred on me by a decree of the twelfth of December, one thousand eight hundred and twenty, issued at the instance of Don Pedro Miranda, I have surveyed to him various parcels of land which, to the number of ten thousand acres of land, were granted to him as a reward for services, on a stream which runs from the west,

River St Johns
Marshes
Hammocks.
Stake
Stream
3rd Line S. 162½ chains.
N. 79° E.

Stream
Hammocks
Cypress
Pine Lands
1st Line N. 58° W. 223 chains
2nd Line S. 175 chains

Pine
2nd line S 79° W 212 chains.
Pine
3rd line N 1 Give chains
Pine Land
No. 400 Acres
Hammock
1st line S 162 ½ chains
Cypress
Cypress
Marsh

and unites itself with the river St. John, called, in English, Big spring, about twenty-five miles distant south of Lake George, the tract being divided in two parts by the said stream, and having one of its fronts on the said river St. Johns, and one of the said parcels being the following four thousand acres, which are bounded east by the said river St. Johns, north by lands of the interested party, south by lands also vacant, and west by another parcel of three thousand and four hundred acres, also the property of the interested party.

And in testimony thereof, I sign the present in St. Augustine of Florida, on the 5th April, 1821.

ANDRES BURGEVIN.

No. 2.

TRANSLATION.

I, Don Andres Burgevin, an inhabitant of this place, and private surveyor, do certify that, in consequence of the faculty conferred on me by a decree of the 12th December, 1820, issued at the instance of Don Pedro Miranda, I have surveyed for him several parcels of land which, to the number of ten thousand acres, were granted to him as a reward for services, on a stream which runs from the west and unites itself with the river St. Johns, called, in English, Big spring, about twenty-five miles distant south of the Lake St. George, the tract being divided in two parts by the said stream, and having one of its fronts on the said river St. Johns; one of the said parcels of three thousand four hundred acres bounded east by another parcel of four thousand, west by another of two thousand acres, and south by vacant lands, and north by said parcel of four thousand.

And in testimony thereof, I sign the present in St. Augustine of Florida, 5th April, 1821.

ANDRES BURGEVIN.

The foregoing two documents, and numbered one and two, and the foregoing two surveys, together with the certificates thereto annexed, are copies of translations made by the translator and interpreter of this court, from copies furnished and duly certified by the keeper of the public archives for East Florida.

No. 3.

Royal title to Pedro Miranda for 4,000 acres, part of a concession of 10,000 acres to him, is not translated. The following transfer is at the foot of it:

Translation.

Transfer from Miranda to Entralgo of 4,000 acres.

I cede and renounce in favor of Don Juan Blas de Entralgo all the right, title, and dominion, which I have to the four thousand acres of land which this document of property contains, for having sold them at the rate of one thousand five hundred dollars, for which I deliver a formal receipt. St. Augustine, 5th December, 1821.

PEDRO MIRANDA.

Witness present:

FRANCO. J. FATIO.

RUPERTO SAAVEDRA.

I certify the foregoing to be a true and correct translation from a document in the Spanish language.

F. J. FATIO, *S. B. L. C.*

I, Antonio Alvarez, keeper of the public archives of East Florida, do hereby certify the foregoing to be a true and correct copy of the original now on file in my office, to which it was returned according to law, by the register and receiver of the land office, acting as commissioners, as part of the papers relative to private land claims in East Florida.

Witness my hand and seal of office, at the city of St. Augus-
[SEAL.] tine, Territory of Florida, this twenty-first day of May, one thousand eight hundred and thirty-two.

ANTONIO ALVAREZ, *K. P. A.*

No. 4.

Translation.

Transfer from Miranda to Entralgo of 3,400 acres.

I cede and renounce, in favor of Don Juan Blas de Entralgo, all the right, title, and dominion, I have to the three thousand four hundred acres of land which this document of property contains, from having sold them to him for the sum of one thousand four hundred dollars, for which I deliver a receipt in form. St. Augustine, 5th December, 1821.

PEDRO MIRANDA.

Witness present:
FRANCO. J. FATIO.
RUPO. SAAVEDRA.

Note.—This is at the foot of a royal title to Pedro Miranda for the said lands. TRANSLATOR.

I certify the foregoing to be a true and correct translation from a document in the Spanish language.

F. J. FATIO, *S. B. L. C.*

I, Antonio Alvarez, keeper of the public archives of East Florida, do hereby certify the foregoing to be a true and correct copy of the original now on file in my office, to which it was returned according to law by the register and receiver of the land office, acting as commissioners, as part of the papers relative to private land claims in Florida.

Witness, my hand and seal of office, at the city of St. Augus-
[SEAL.] tine, Territory of Florida, this twenty-first day of May, A. D. one thousand eight hundred and thirty-two.

ANTONIO ALVAREZ, *K. P. A.*

No. 5.

Affirmation of Moses E. Levy.

Moses E. Levy affirms that, on the day of , in the year 1824, he purchased from William Travers, the attorney of Juan B. Entralgo in that behalf, sundry tracts of land in different parts of the district of East Florida, among which there were two tracts, one of them consisting of 4,000 acres, and the other of 3,400; both of which tracts were part and parcel of a certain larger tract consisting of ten thousand acres, which said ten thousand acres was granted by the Spanish Government to Pedro Miranda on the 11th September, 1817. That the only

evidence presented to him that said property was vested in said Entralgo were translations or transfers made and certified by the secretary of the board of land commissioners, at that time sitting at this place in discharge of the duties of their appointment, as being the copies of the original transfers on file in the office of that board; and which said transfers were stated to be endorsed on the back of the certified copy of the original royal titles for the two aforementioned tracts of land: said certified translations were in the words following, to wit: The first one for 4,000, ran thus—

"*Translation.*

"I cede and renounce, in favor of Don Juan Blas de Entralgo, all the right and dominion which I have to the four thousand acres of land which this document of property contains, for having sold them at the rate of one thousand four hundred dollars, for which I deliver a formal receipt. St. Augustine, 5th December, 1821.

(Signed) PEDRO MIRANDA."

Witnesses:

FRANCIS J. FATIO.
RUPERTO SAAVEDRA."

The other, for 3,400, ran in the same words as was signed by the same persons, both as conveying the property, and as witnesses to said conveyance, the only difference being in the quantity of land transferred, viz. 3,400 instead of 4,000, as above. And further, that said Travers showed him, said Levy, the receipt of his, the said Travers's attorney, who was employed to present his claims as aforesaid for the original documents placed in his possession for that purpose; among which the transfers alluded to herein were enumerated: that he has called at the office of the register and receiver of the land office in this district, to whom the papers remaining in the office of the board of commissioners, at the expiration of their commission, were transferred, and that they were not there to be found. That he, the said Levy, having ascertained that a part of the papers which were remaining in the land offices as aforesaid had been deposited in the office of the public archives at this place, did there make application for such original transfers, but they (the originals) were not to be found; but that the certified translations of those originals, made by the clerk of the board of commissioners as aforesaid, were at that time existing in said office, and in the charge of the keeper thereof. He, the said Levy, further avers that he was a bona fide purchaser of said lands, and that he paid a full and valuable consideration for them.

M. E. LEVY.

Affirmed to before me, in open court, this 21st day of May, 1832.

K. B. GIBBS, *Dep. Cl'k.*

Affidavit of William Travers.

William Travers, an inhabitant of the city of St. Augustine, states that the foregoing statement of Moses E. Levy is a true statement of the facts therein contained. That, on the day therein named, he, the said Travers, acting as the agent of the said Entralgo, sold and conveyed, for a full and valuable consideration, to the said Levy the lands by him alluded to: that, shortly before such sale, he, the said Travers, was in the possession of the original title paper of conveyance from the grantee of those lands to Entralgo, his principal as aforesaid; that

he placed those original title papers as aforesaid in the hands of his attorney, George Murray, for the purpose of being presented before the board of land commissioners, and took his receipt therefor, which receipt is now in his, the said Travers', possession. That said documents were, to the knowledge of him, the said Travers, laid before the board of land commissioners as aforesaid; but what afterwards became of them he is unable to say, for, supposing them to have been deposited with other papers in the office of the public archives, he did not deem it necessary to seek or make application for their return to him, the said Travers. And further, he states that the copies of translations contained in foregoing deposition of the said Levy, are, to the best of his recollection, true translations of the original conveyances of which they purport to be a translation; and, further, the deponent saith that, at the time of the sales of said land to said Levy, he, the said Travers, was fully and legally authorized by the aforementioned Entralgo to make such conveyance, and that the property in those lands was at that time legally and rightfully vested in said Entralgo; and, further, the deponent saith that he is well acquainted with the hand-writing of Miranda, and is perfectly well assured that the signature of Miranda to the original documents aforesaid were in his, the said Miranda's, own and proper hand-writing; and he further saith that he is at any moment prepared to produce the receipt of Murray, as aforesaid, whenever therefor called upon.

WILLIAM TRAVERS.

Sworn to before me, in open court, this 21st day of May, 1832.

K. B. GIBBS, *Dep. Cl'k.*

Extract.

4,000 acres of land near the St. Johns, and place called the *English Big Spring*, granted Don Pedro Miranda by Coppinger, 16th December, 1817, being for services, by royal order 29th March, 1815, and surveyed by Andres Burgevin, by order of survey dated 12th December, 1820, transferred by Miranda to J. B. de Entralgo, 5th December, 1821, as will appear on the title produced.

3,400 acres of land near the St. Johns, and place called *English Big spring*, granted to Don Pedro Miranda by Coppinger, 16th December, 1817, being for services, by royal order 29th March, 1815, and surveyed by Andres Burgevin, by order of survey 12th December, 1820, transferred from Miranda to J. B. de Entralgo, 5th December, 1821, as per the title produced.

I acknowledge to have received of William Travers the documents named and marked in the foregoing list, for the purpose of presenting them to the board of commissioners to ascertain titles to lands in East Florida.

(Signed) GEORGE MURRAY.

I, William Travers, do hereby make oath that the above is a true extract of a receipt in my possession, given by George Murray. St. Augustine, 21st May, 1832. WILLIAM TRAVERS.

Sworn to before me, in open court, this 21st day of May, 1832.

K. B. GIBBS, *Dep. Cl'k.*

Fourth.—Documents in relation to the claim for *eight thousand acres* of land in this case, under a grant to *Fernando de la Maza Arredondo, junior*, for 10,000 acres.

No. 1.

TRANSLATION.

His excellency the GOVERNOR:

Memorial of Arredondo for grant.

Don Fernando de la Maza Arredondo, junior, an inhabitant of this city, with due respect, represents to your excellency that, since the appearance of the insurrection of the year 1812, he took up arms, and was commissioned commandant of a detachment of cavalry to reconnoitre the enemy, and subsequently made prisoner one of them when they presented themselves before this place; and afterwards continued his service in the militia, patroling in the night season as long as the vigilance and the defence of the place required it, without salary, ration, nor any emolument whatever. In the same epoch he rendered other important services to the Government, among which was his supplying beef and provisions for the maintenance of the garrison, as it is all proved to your excellency: and whereas his Majesty, in his royal order of the 29th March, 1815, has been pleased to reward with retribution of lands the faithful inhabitants who contributed to the defence of this province; and as your petitioner is one of them, and moreover is one of those whom the laws and the royal dispositions provided to be attended to with distinction, due attention being paid to the merit and quality of the services rendered; and because, besides the concurrence of all circumstances, a very weighty consideration is, that he is a native of this country, and established in it with upwards of eighty negroes belonging to him: therefore, your petitioner supplicates your excellency to be pleased to grant him, in absolute property, ten thousand acres of land, situated, to wit: five thousand of them in a hammock, to be found at about five or six miles east of Spring garden, and the remaining five thousand west of the river St. John, contiguous to a creek called Black creek, near Flemming's island, and the pond called Doctor's lake, the titles of ownership thereof to be issued and granted to him as soon as the survey and demarcation thereof take place, and the plats be formed, designating, accurately, the situation and boundaries; which favor he expects to receive from the justice of your excellency. St. Augustine of Florida, 18th March, 1817.

FERNANDO DE LA MAZA ARREDONDO, jr.

DECREE.

Grant to Arredondo for 10,000 acres.

St. Augustine, 20th March, 1817. In consideration of the services rendered and alleged by Don Fernando de la Maza Arredondo, junior, and which are notorious and proved, and using the authority which I exercise, conciliating the intentions and wishes of his Majesty to reward his faithful subjects with what is recommended by the laws in similar cases, and in attention to the considerable number of slaves he possesses, I am determined to grant him, and, in the name of his Majesty, and of his royal justice which I administer, I do hereby grant him, the said Fernando de la Maza Arredondo, junior, in absolute property, and with the title of ownership, for the present and the future, the ten thousand acres of land located in the places he solicits, without prejudice to a third party; and the title of property thus granted to him will be issued as soon as the survey and demarcation thereof will have been made by a surveyor.

In the mean time the decree being to him as an equivalent, will, together with the petition, be deposited in the archives, and a certified copy thereof will be given to him or his security.

COPPINGER.

Before me:

JUAN DE ENTRALGO,
Notary of the Government.

No. 2.

TRANSLATION.

His excellency the GOVERNOR:

Petition of Arredondo for, and order of survey.

Don Fernando de la Maza Arredondo, junior, an inhabitant of this city, with due respect, states to your excellency that, as it is proved by the certificate annexed, he is the proprietor, in absolute property, of ten thousand acres of land granted to him by this Government, as a reward for his services, on the 20th March, 1817, the titles of which have not been given to him yet in form, as the survey has not taken place, which point was reserved by your petitioner; and as he has engaged the surveyor, Don Andres Burgevin, to go and survey said lands, which operation he has not been able to carry into effect, on account of many difficulties which have occurred, therefore your petitioner supplicates your excellency to authorize the said Burgevin, as it has been done in other cases, in order that he may execute the mentioned survey with the legal formalities, and divide the mentioned ten thousand acres of land in four parcels, viz. two plats containing four thousand acres each, and one of them is to be located in each of the two distinct places of the grant; another parcel of one thousand and five hundred acres; and another of five hundred; duly separating them, it being understood that the six thousand acres contained in three divisions ought to be surveyed and delineated in the one of the two locations which may be most convenient; and your petitioner solicits that, after the execution of the said plats, the titles of property be issued to him, which have been already ordered to be given: which favor he expects to receive from the justice of your excellency. St. Augustine of Florida, 20th August, 1819.

F. M. ARREDONDO.

St. Augustine, 20th August, 1819. As he solicits, after having previously received the acceptation and oath of Don Andres Burgevin, and summoned the contiguous proprietors.

COPPINGER.

Before me:

JUAN DE ENTRALGO,
Not'y of Gov't.

In St. Augustine, on the same day, month, and year, I notified the preceding decree to Don Fernando de la Maza Arredondo, junior, which I certify.

ENTRALGO.

On the same day I notified to Don Andres Burgevin the appointment of surveyor conferred on him; whereupon, he said that he would accept, and he

did accept it, promising, under his legal oath, to fulfil, well and faithfully, his commission, according to his best knowledge and understanding; and he signed, which I certify.

ANDRES BURGEVIN.

Before me: JUAN DE ENTRALGO.

[Here follows the annexed two plats and certificates.]

No. 1.

TRANSLATION.

I, Don Andres Burgevin, an inhabitant of this place and private surveyor, do certify that, by an order of this Government, issued on the 20th August, 1819, I have surveyed in favor of Don Fernando de la Maza Arredondo, junior, a parcel of land containing 4,000 acres, which is situated about five miles east of Spring garden, it being a part of a larger quantity, which lands were granted to him on the 20th March, 1817.

And in testimony whereof, I give the present, which I sign in St. Augustine of Florida, 25th of July, 1820.

ANDRES BURGEVIN.

No. 2.

TRANSLATION.

I, Don Andres Burgevin, an inhabitant of this place, and private surveyor, do certify that, by an order of this Government, issued on the 20th August, 1819, I have surveyed in favor of Don Fernando de la Maza Arredondo, junior, a parcel of land which contains 4,000 acres, and is situated west of the river St. John, on a creek known in English under the name of Black creek, and is part of a larger quantity which was granted to him on the 20th March, 1817.

And in testimony thereof, I give the present, which I sign in St. Augustine of Florida, on the 25th July, 1820.

ANDRES BURGEVIN.

No. 3.

TRANSLATION.—*Real sale.*

Bill of sale from Arredondo to Entralgo of 4,000 acres, No. 1.

Be it known that I, Don Fernando de la Maza Arredondo, junior, an inhabitant of this city, do grant and sell really to Don Juan de Entralgo, notary of the Government and of the royal domain of this place, four thousand acres of land which I possess in this province, situated about five miles east of Spring garden, known under the following dimensions: the first line commences at the head of a hammock, and runs south sixty degrees west, measures one hundred chains, and terminates at a stake; the second line runs south thirty degrees east, contains one hundred and five chains, and terminates also at a stake; the third line runs north sixty degrees east, measures two hundred and thirty-five chains and twenty links, and terminates at a pine marked =;

the fourth line runs north thirty degrees west, measures two hundred and twenty chains, and terminates at a pine marked ++; the fifth line runs south sixty degrees west, measures one hundred and twenty-five chains and twenty links, and terminates at a stake; the sixth line runs south thirty degrees east, measures one hundred and fifteen chains, and terminates at the head of the hammock aforesaid, which four thousand acres of land, and another quantity besides, this Government granted me, in absolute property and dominion, as a reward for services, on the twentieth of March, one thousand eight hundred and seventeen, and for which the corresponding title was issued to me on the ninth of August of the year last past, as the whole appears in the archives of the notary; and I sell to him the said four thousand acres of land under the dimensions and other particulars already detailed, with all their inlets, outlets, uses, customs, rights, and services, which they have, and which belong to them, free from all encumbrance, for the price of four thousand dollars, which the purchaser has paid me in ready money, and I acknowledge to have received to my satisfaction; I renounce the proof, the laws of delivery, exception of the money not being told, fraud and others of the case, and for which I give my formal receipt, in virtue of which I divest myself of the right of property, possession, useful dominion, and other real and personal actions which I had and held to the said four thousand acres of land, which I cede, renounce, and transfer to the purchaser, and to whomever might represent his right, in order that he may possess them as his own, sell, and alienate them as he sees fit, in virtue of this deed of sale, which I execute in his favor as an evidence of the real delivery, so that it is seen that he has acquired possession thereof, without his wanting to produce any other proof, from which I exonorate him; and I obligate myself to the eviction and validity of this sale in a sufficient form, and as may best suit in favor of the purchaser, with my present and future property, power, and submission to the justices of his Majesty, in order that they compel me to the fulfilment thereof as by sentence assented to, and having the authority of a thing determined by judgment: Whereupon, I renounce all the laws, immunities, rights, and privileges, in my favor, and the general in form which prohibits it. And I, the said Don Juan Entralgo, being present, do accept in my favor this deed of sale, and by it receive the aforesaid four thousand acres of land in the price and manner in which they are selling to me; I acknowledge to have received them to my satisfaction; I renounce the proof, the laws of delivery, those of the thing not being seen or received, fraud and others of the case, for which I give my formal receipt. In testimony whereof, this is done in the city of St. Augustine of Florida, on the fifth of January, one thousand eight hundred and twenty-one. I, Don José Coppinger, colonel of the national armies, military governor, civil chief, and colonial sub-delegate of this place and province, do certify that I know the grantor, who thus said, granted, and signed in my presence, and in that of the witnesses whom I elected for this act, Don Tomas de Aguilar and Don Antonio Alvarez, for want of another notary in the whole province, and in the presence of the witnesses of this deed of conveyance, Don José Mariano Hernandez, Don Bernado Segui, and Don José B. Reyes, inhabitants and present.

COPPINGER.
FERNANDO DE LA MAZA ARREDONDO.
JUAN DE ENTRALGO.

TOMAS DE AGUILAR.
ANTONIO ALVAREZ.

Hammock

Prairies.

Pond

Prairies

6th Line S. 30° E. 115 chains.

Scale of 40 chains to an inch

20 chs. 40 80 120

4th Line North Boun

Pine

4000 Acres.

Pine Land.

ock

Hammock

Shake Brushwood.

Slaty.

3rd Line N. 60° E. 235 chains 20 links.

2nd L. S. 30° E. 105 chains.

inch.

120 160 200 240

950 chains
High
4.
Copyright
Black cree
Scale of 40 Chains to an
20 chs. 40 80 120

2nd Line S. 430E. 230 c

Pine

gh Pine Land.

4.000 Acres.

Ham-mock

Ham-mock

Pt. Line S. 450 W. 160 Chains.

Stake

e e k

an inch

4

6

120

160

200

240

No. 4.

TRANSLATION.—*Real Sale.*

Bill of sale from Arredondo to Entralgo of 4000 acres, No. 2.

Be it known that I, Don Fernando de la Maza Arredondo, junior, an inhabitant of this city, do grant and sell reallly to Don Juan de Entralgo, notary of the Government and of the public domain of this place, four thousand acres of land which belong to me in this province, situated west of the river St. John, on a creek known in English under the name of Black creek, and bounded by another creek called *Governor*, which lands are known under the following dimensions: the first line runs south forty-five degrees west, measures one hundred and sixty chains, and terminates at a pine marked ≡; the second line runs south, forty-five degrees east, measures two hundred and fifty chains, and terminates at a cypress marked =; which four thousand acres, with another parcel besides, were granted to me by this Government, in absolute property and dominion, as a reward for services on the twentieth of March, one thousand eight hundred and seventeen, and for which the corresponding title was issued to me on the ninth of August last, as the whole appears in the archives of the said notary; and I sell to him the said four thousand acres of land, under the dimensions and other particulars already detailed, with all their inlets, outlets, uses, customs, rights, and services, which they have, and which belong to them, free from all incumbrance, for the price of four thousand dollars, which the purchaser has paid me in ready money, and which sum I acknowledge to have received to my satisfaction; I renounce the proof, the laws of delivery, exception of the money not being told, fraud, and others of the case, for which I give my formal receipt: In virtue of which I divest myself of the right of property, possession, useful ownership, and other actions, real and personal, which I had and held to the said four thousand acres, which I cede, renounce, and transfer, to the mentioned Don Juan de Entralgo, and to whomever might represent his right, in order that he may possess them as his own, sell, and alienate them as he sees fit, in virtue of this deed of sale, which I execute in his favor as an evidence of a real delivery, so that it is seen that he has acquired possession thereof, without his wanting any other proof, from which I exonerate him. And I obligate myself to the eviction and validity of this sale in a sufficient form, and in the manner most convenient in favor of the purchaser, with all my property, present and future, power and submission to the justices of his Majesty, in order that they compel me to the fulfilment thereof as by sentence assented to, and having the authority of a judgment passed on the case: whereupon, I renounce all the laws, immunities, rights and privileges in my favor, and the general inform which prohibits it; and I, the aforesaid Don Juan de Entralgo, being present, do accept in my favor this deed of conveyance, and by it receive as purchased the mentioned four thousand acres of land, in the price and manner in which they are selling to me: I acknowledge to have received them to my satisfaction; I renounce the proof, the laws of delivery, those of the thing not being seen nor delivered, fraud and others of the case, for which I give my formal receipt. In testimony whereof, this is done in this city of St. Augustine of Florida, on the fifth of January, one thousand eight hundred and twenty-one. I, Don Jose Coppinger, colonel of the national armies, military governor, civil chief, and colonial sub-dele-

gate of this said place and province, do certify that I know the grantors, who thus said, granted, and signed, in my presence, and in that of the witnesses whom I elected for this act, Don Tomas de Aguilar and Don Antonio Alvarez, for want of another notary in the whole province, and in the presence of the witnesses of this deed of conveyance, Don Jose Mariano Hernandez, Don Bernado Segui, and Don Jose Bernado Reyes, inhabitants and present.

COPPINGER.
FERN'DO M. ARREDONDO.
THOMAS DE AGUILAR.
ANTONIO ALVAREZ.
JUAN DE ENTRALGO.

The foregoing four documents, and numbered from one to four inclusive, and the foregoing two surveys, together with the certificates thereto annexed, are copies of translations made by the translator and interpretor of this court, from copies furnished and duly certified by the keeper of the public archives for East Florida.

Fifth—Documents in relation to the claim for twenty thousand acres of land in this case, under a grant to George J. F. Clarke for 26,000 acres.

No. 1.

TRANSLATION—*Petition.*

His excellency *the Governor:*

Memorial of Clarke to Spanish Govt. for grant of 26,000 acres.

Don George Clarke, with great respect to your excellency, represents that, by the commissions and official documents that accompany this memorial, from his excellency the Marquis of Someruelos, and their excellencies the governors of this province, Don Henry White, Don Juan Jose de Estrada, Don Sebastian Kindelan and your excellency, (which are ten documents that your petitioner requests may be returned to him,) it is evidenced that, from the year eighteen hundred, your petitioner has been always employed in one or other service of Government, namely: as officer of militia, charge in relation to the timber of this province to account to the custom-house of their exports and imports, surveyor general of lands, charge of the plans, surveyings, and distributions of the town of Fernandina from its first formation to the present day, public interpreter and notary public there for many years past, an officer aggregated to the militia of that place during the year of the revolution, charge of the census of the population of the country parts of the province, captain and local judge of the district of St. Marys, &c. &c.; and at times employed in three or four several capacities at once, as is the case at this present day, without ever having enjoyed the pay of Government, nor other recompense for his long services, nor reimbursements of any part of the many disbursements that have been indispensable to the discharge of his duties, nor for the losses and misfortunes that he has suffered in point of property, particularly since the month of June of the present year, in which he has sustained a general sack of his effects in the town of Fernandina, to the amount of thousands of dollars since the privates and insurgents under the command of General McGregor took possession of that

place, which your petitioner abandoned as a sacrifice to king and country, constituting himself the watch and opposer of the measures of the enemy, and reporter thereof to your excellency; all which has been done at the expense of his pocket, and risk of his life. His zeal, and the aid he contributed to the expedition that marched against those pirates, has occasioned the offer of a reward of one thousand dollars for his head, and five hundred each for those of three of his sons. Some of those services are known to your excellency, and others are evidenced by documents existing in the secretary's office. Therefore, and in order to obtain some recompense and remuneration for sacrifices and losses that have grown out of his services and disbursements, and others which he omits because they are known to your excellency, and were directed to the good of the state and tranquillity of the province from the commencement of the insurrection of 1812, he petitions in virtue of his merits, and the wishes of our sovereign that services should be rewarded, praying that your excellency will be pleased to grant him, in absolute property, twenty-six thousand acres of land in the following places: twenty-two thereof in the hammocks of Cuscovillo and Chachala, situated to the west of part of St. John's river, where stood a store of the house of Panton, Leslie & Co., and about forty-five miles distant from it; and the four remaining at a vacant place called Yallahasasa, on the west of the river St. John, and on the south of the road going from the place of a store formerly managed by John Hambly as agent for the said firm, and distant therefrom about twenty-eight miles, forming an oblong square, bounded by vacant pine barren: these the petitioner solicits of your excellency's bountiful administration. St. Augustine, thirteenth of December, eighteen hundred and seventeen.

GEORGE J. F. CLARKE.

Decree.

Grant to Clarke, of 26,000 acres.

St. Augustine, seventeenth of December, eighteen hundred and seventeen. Whereas the services rendered by Don George Clarke are of public notoriety, and they are furthermore evident to me, by the correspondence that has intervened in the periods to which he has reference, likewise by the documents that exist in the archives of the secretary's office of this Government, and those he has presented, which will be returned to him; and using the authority which I exercise, and in the name of his Majesty, and of his royal justice which I administer, I grant to the aforesaid George Clarke, in absolute property, the twenty-six thousand acres of land in the places which he solicits in this petition, and of which a title in form will be issued by the escrivano's office when this instrument will be archived: this without injury to a third person.

COPPINGER.

Certificate.

This conforms with its original that remains in the archives in my charge, to which reference may be had; and, at the request of the party, I seal and sign the present in St. Augustine of Florida, date as above.

JUAN DE ENTRALGO,
Escrivano of Government.

No. 2.

Translation.

Royal title to Clarke for 22,000 acres.

Title for 22,000 acres of land in favor of Don Jorge Clarke, in the hammocks Cuscowillo and Chachala.

Don José Coppinger, colonel of the royal armies, civil and military governor *pro tem.*, and chief of the royal domain, in this city of St. Augustine of Florida, and of the province thereof, for his Majesty: Whereas, in a royal order of the twenty-ninth of March, one thousand eight hundred and fifteen, his Majesty has been pleased to approve the bounties and rewards proposed by my predecessor, Brigadier Don Sabastian Kindelan, for the officers and soldiers, both of the regular and militia corps of this province, who contributed to the defence threof in time of rebellion; and one of the said favors consisting in the distribution of royal lands, and as Don Jorge Clarke, lieutenant of the militia, has represented to me the distinguished services which, in person and money, he has rendered in defence of this said province in different epochs of invasion, sacrificing and abandoning his interests as a faithful subject ought, and as he has rendered himself deserving any reward, by his zeal, love, and fidelity to his sovereign, which services extraordinary are well known to me, and are exhibited in his petition of the thirteenth of the present month, in virtue of which I have thought proper, by my decree of this day, to accede to his demand of a grant of twenty-two thousand acres of land, in absolute property, in the hammocks known under the names of Cuscowillo and Chachala, situated west of the place of the river St. Johns, where there was a store of the house of Panton, Leslie and Co., and about forty-five miles from it, as it is all detailed more at large in the said petition and decree, which exist in the archives of the present notary. Wherefore, and in attention to the said recommendable services, and in accordance with the will of the sovereign, and with what the laws direct in reference to rewarding with distinction those who are entitled thereto, according to the quality of services rendered, and to the quality of those who rendered them, I have determined to grant, as in the name of his Majesty, and of his royal justice which I administer, I do grant to the said Jorge Clarke the mentioned twenty thousand acres of land in the indicated place, without prejudice to a third party, for himself, his heirs, and successors, in absolute property; and to issue to him, as I do hereby issue, the corresponding title, by which I divest the royal domain of the right and dominion which it had to the said tract; and I cede and transfer the same to the mentioned Don Jorge Clarke, his heirs, and successors, in order that, in consequence thereof, they possess it as their own, use, and enjoy it, without any encumbrance whatever, with all its inlets, outlets, uses, customs, rights, and services, which it has had, has, and which in fact and of right belong or may relate to it, and in order that, if it is their will, they may sell, cede, transfer, and alienate it as may best suit them; to the whole of which I interpose my authority as far as I can, and of right ought, in virtue of the sovereign will. Given under my hand, and countersigned by the subscribed notary of the Government and of the royal domain, in this city of St Augustine of Florida, on the seventeenth of December, one thousand eight hundred and seventeen.

JOSE COPPINGER.

By order of his Lordship:

JUAN DE ENTRALGO,

Notary of the Government and Royal Domain.

No. 3.

Translation.

His excellency *the Governor:*

Petition of Clarke for an order of survey.

Don Jorge Clarke, with the greatest respect, appears before your excellency, and states that as he is the surveyor *pro tem.* appointed to survey the lands of the province, he ought not to survey his own lands, which operation ought to be performed by another person, whom your excellency may think proper to qualify therefor; and as Don Andres Burgevin is a person competent to the task, and as he has been in various cases employed in the same manner, in the absence of your petitioner, with the permission of the superior authority, therefore your petitioner supplicates your excellency to be pleased to permit that the said Burgevin survey and remit to him the plat of certain tracts of land granted to him by this Government, in conformity to the titles which your petitioner will exhibit to him; which favor your petitioner hopes to receive from the justice of your excellency. St. Augustine of Florida, 20th April, 1819.

JORGE J. F. CLARKE.

ST. AUGUSTINE, 20*th April*, 1819.

As he solicits; the acceptation and oath of Don Andres Burgevin being previously received, and the adjoining proprietors being sunmoned.

COPPINGER.

Before me: JUAN DE ENTRALGO,
Notary of the Government.

In St. Augustine, on the same day, month, and year, I notified the preceding decree to Don Jorge Clarke; which I certify.

ENTRALGO.

On the same day I notified to Don Andres Burgevin the appointment of surveyor conferred on him; whereupon, he said that he would accept, and he did accept it, promising, under his legal oath, to exercise well and faithfully the functions of his commission; which I certify.

ANDRES BERGEVIN.

Before me: JUAN DE ENTRALGO.

[Here follows the annexed plat and certificate of 20,000 acres.]

TRANSLATION.

Don Andres Burgevin, an inhabitant of this city and the surveyor proposed by Don Jorge Clarke, and qualified by the Government on the 20th April, 1819, for the survey of his lands, do certify that I have surveyed and delineated to the said Don Jorge Clarke twenty thousand acres of land in the Territory of Alachua, and at a place called Chachala, west of the river St. John, and about forty-five miles distant from it, in part of a larger quantity which were granted to him, with the title of property, on the 17th December, 1817; and said tract appears in its circumstances conform to the following plat, and to the original thereof deposited in the secretary's office of the Government.

And in testimony thereof, I give the present, which I sign in St. Augusine of Florida, on the second of August, 1819.

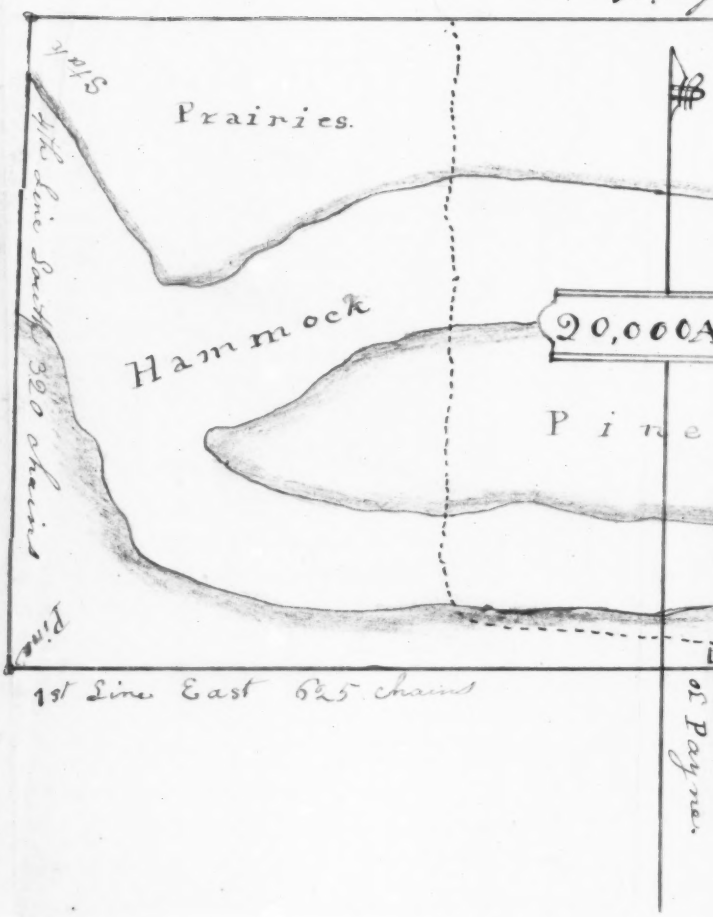
ANDRES BURGEVIN.

No. 4.

Translation.—Real Sale.

Bill of sale from Clarke to Entralgo for 20,000 acres.

Be it known that I, Don Jorge Clarke, an inhabitant of this province, and residing in the town of Fernandina, and now present in this city, do grant and sell to Don Juan de Entralgo, notary of the Government and of the royal domain therein, twenty thousand acres of land belonging to me, in the Territory of Alachua, west of the river St. John, where there was a store of the house of Panton, Leslie, and Co., and about forty five miles from it: the first line runs east, measures six hundred and twenty five chains; the second line runs north, measures three hundred and twenty chains; the third line west, measures six hundred and twenty-five chains; and the fourth line south, measures three hundred and twenty chains: which twenty thousand acres of land belong to the twenty-two thousand which this Government granted to me as a reward for my services on the seventeenth of December, one thousand eight hundred and seventeen, and for which the corresponding title of property was issued to me on the same day, the survey thereof having been proceeded to by the private surveyor, Don Andres Burgevin, who formed the requisite plat on the second of August, one thousand eight hundred and nineteen, which is found annexed to the original expedient of this grant, and which exists in the archives of the said notary; and I sell to him the mentioned twenty thousand acres of land in the indicated place, and under the dimensions detailed, and with all their inlets and outlets, uses, customs, rights and services, which they have, and belong to them, free from all encumbrance, (as it appears from the book of mortgages which is in the keeping of the said notary,) for the price of twenty thousand dollars, which the purchaser has paid me to my entire satisfaction, and which I acknowledge to have received in full. I renounce the proof, the laws of delivery, exception of the money not being counted down, fraud, and others relating to the case, and for which I give my formal receipt; in virtue of which, I divest myself of the right of property, possession, useful ownership, and other actions real and personal, which I had and held to the said twenty thousand acres of land; and I cede, renounce, and transfer the whole to the purchaser, and to whomsoever might represent his rights, in order that, as his own, he may possess, sell, and alienate them as he sees fit, in virtue of this bill of sale, which I execute in his favor as an evidence of real delivery, so that it is seen that he has acquired possession thereof, without his wanting any other proof, from which I exonerate him, as I remain exonerated from the eviction and validity of this sale, to which I do not obligate myself; and I, the said Juan de Entralgo, being present, do accept, in my favor, this bill of sale, and I do receive by it, as purchased, the mentioned twenty thousand acres of land, in the price and manner in which they are sold to me, and which I acknowledge to have received to my satisfaction. I renounce the proof, the laws of delivery, those of the thing not being seen or received, fraud, and others of the case, and for which I give my formal receipt. In testimony whereof, this is done in this city of St. Augustine of Florida, on the seventh of February, one thousand eight hundred and twenty. I, Don Jose Coppinger, colonel of the royal armies, civil and military governor of this place, and of the province thereof, do certify that I know the grantors who thus disposed, granted, and signed in my presence, and in the presence of the witnesses which I selected for this act, Don Tomas de Aguilar and


Prairies.
Hammock
20,000A
Pine
1st Line East 625 chains

3rd: line West 69 chains

Prairies

Hammock

000 Acres

ne Lands

Hammock

Picolata Road

Civil 2 miles North 320 chains

old house of Payne.

Don Antonio Alvarez, for want of another notary in the whole province; and the witnesses of this bill of sale, are Don Domingo Reyes, Don Pedro Miranda, and Don Fernando de la Maza Arredondo, junior, inhabitants and present.

JOSE COPPINGER.
JORGE J. F CLARKE.
JUAN DE ENTRALGO.
TOMAS DE AGUILAR.
ANTONIO ALVAREZ.

The foregoing four documents, and numbered from one to four inclusive, and the foregoing survey, together with the certificate thereto annexed, are copies of the translations made by the translator and interpreter of this court from copies furnished and duly certified by the keeper of the public archives for East Florida.

Indenture from Entralgo and wife to Levy for various tracts of land.

Sixth. Deed of indenture from Don Juan de Entralgo and Dona Felicitas Almanza his wife, to Moses E. Levy, of certain tracts or parcels of land therein named, offered in evidence in this case on the part of the said claimant, and received without objection by the counsel for the United States, to wit:

This indenture made the twenty-seventh day of December, in the year of our Lord one thousand eight hundred and twenty-five, between Don Juan de Entralgo, of the city of Havana, in the Island of Cuba, and Dona Felicitas Almanza his wife, of the first part, and Moses E. Levy, of the county of Alachua, in the Territory of Florida, esquire, of the second part, witnesseth: That whereas the said Juan de Entralgo did, by indenture bearing date the sixth day of August, one thousand eight hundred and twenty-four, between him, the said Juan de Entralgo of the one part, and the said Moses E. Levy of the other part, made and executed by William Travers, as the attorney in fact of the said Juan de Entralgo, bargain, sell, alien, remise, release, and forever quit claim unto the said Moses E. Levy, his heirs and assigns forever, all and singular the following certain tracts, pieces or parcels of land; that is to say: ten thousand four hundred acres of land, being part and parcel of a tract consisting of fifteen thousand acres, situated and being on the river St. Johns, about twelve miles south of Lake George, in East Florida, which said tract of land was originally granted to Don Antonio Huertas, in absolute property, by a concession or grant bearing date on or about the fifteenth day of September, in the year one thousand eight hundred and seventeen, by Don José Coppinger, then the governor of East Florida, and which was afterwards, that is to say, on or about the fourth day of December, one thousand eight hundred and twenty-one, sold and conveyed by the said Antonio Huertas to the said Juan de Entralgo; and also one other tract or parcel of land containing four thousand acres, situated and being on Black creek, in East Florida aforesaid, which was originally granted to Fernando de la Maza Arredondo, junior, by a grant or concession bearing date on or about the twentieth day of March, one thousand eight hundred and seventeen, made by Don José Coppinger, then the governor of East Florida, and afterwards confirmed to the said Fernando de la Maza Arredondo, by royal title or grant in absolute property, bearing date the ninth day of August, one thousand eight hundred and twenty, made by the said Don José

Coppinger, then also the governor of East Florida, which said last mentoned tract or parcel of land was, on or about the fifth day of January, one thousand eight hundred and twenty-one, sold and transferred by the said Fernando de la Maza Arredondo to the said Juan de Entralgo; and also twenty thousand acres of land, part and parcel of a certain tract or parcel of land consisting of twenty-two thousand acres, situated and being in the Alachua country, at places called Cascawilla and Chachala, in East Florida, which said tract of land was originally granted to Jorge J. F. Clarke by a concession and grant in absolute property, each bearing date on or about the seventeenth day of December, one thousand eight hundred and seventeen, by the aforesaid Don José Coppinger, then the governor of East Florida, which said last mentioned tract or parcel of land was, on or about the seventh day of February, one thousand eight hundred and twenty, sold and transferred to the said Juan de Entralgo by the said George J. F. Clarke; and also one other tract or parcel of land, containing one thousand acres, situated and being at a place called Water pen, in East Florida aforesaid, which said last mentioned tract or parcel of land was originally granted to the said Juan de Entralgo in absolute property, by royal title or absolute grant bearing date on or about the fifteenth day of November, one thousand eight hundred and seventeen, by the aforesaid Don Jose Coppinger, then the governor of East Florida aforesaid; and also one other tract or parcel or land, consisting of two thousand acres, situated at a place called Cedar swamp, in East Florida aforesaid, which said last mentioned tract or parcel of land was granted to the said Juan de Entralgo in absolute property, by a royal title or absolute grant, bearing date the fifteenth day of November, one thousand eight hundred and seventeen, made by the aforesaid Don Jose Coppinger, then the governor of East Florida aforesaid; and also four thousand acres of land, situated and being about five miles from Spring garden, in East Florida aforesaid; which said four thousand acres, and the aforesaid four thousand acres herein before mentioned to be granted and released, are part of a tract or parcel of land consisting of ten thousand acres, granted to Fernando de la Maza Arredondo, by a concession or grant bearing date the twentieth day of March, one thousand eight hundred and seventeen, which said four thousand acres of land were sold and transferred by the said Fernando de la Maza Arredondo to the said Juan de Entralgo on or about the fifth day of January, one thousand eight hundred and twenty-one; and also four thousand acres of land situated on the river St. John, at a place called the English Big spring, at or about twenty-five miles south from St. George's lake, in East Florida aforesaid, and are part of a tract or parcel of land granted to Don Pedro Miranda by a concession or grant bearing date on or about the sixteenth day of September, one thousand eight hundred and seventeen, made by Don Jose Coppinger, then the governor of East Florida aforesaid, and which were afterwards confirmed to the said Pedro Miranda by royal title or grant, in absolute property, bearing date on or about the eleventh day of April, one thousand eight hundred and twenty-one, made also by the said Don José Coppinger, then also the governor of East Florida, which said last mentioned four thousand acres of land were sold and transferred by the said Pedro Miranda to the said Juan de Entralgo on or about the fifth day of December, one thousand eight hundred and twenty-one; and also three thousand four hundred acres of land situated at or near a place called English Big spring, at or about twenty-five miles south from St. George's lake, on the St. John's river, in East Florida aforesaid, which said three thousand four hundred

acres of land are part of a parcel of land granted to the aforesaid Don Pedro Miranda by the aforesaid concession and royal title herein before mentioned to have been made to him by Don Jose Coppinger, and which were sold and transferred by the said Pedro Miranda to the said Juan de Entralgo, on or about the fifth day of December, one thousand eight hundred and twenty-one; and also one other tract or parcel of land, containing one thousand acres, situated on the east side of St. John's river, in East Florida aforesaid, at a place called Rollstown, which said last mentioned tract of land was granted to the said Juan de Entralgo by a concession bearing date on or about the seventeenth day of December, one thousand eight hundred and sixteen, made by the aforesaid Don Jose Coppinger, then the governor of East Florida aforesaid; and also all the trees, woods, underwoods, commons, ways, water courses, advantages, hereditaments, rights, meanders, and appurtenances whatsoever, to the aforesaid several tracts, pieces, and parcels of land belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits of the said several tracts, pieces, and parcels of land, and of each and every of them; and all the estate, right, title, interest, claim, and demand of any kind, both at law and in equity, of him, the said Juan de Entralgo, of, in and to the said tracts, pieces, and parcels of land, and every of them: and whereas, at the time of, and upon the purchase by, the said Moses E. Levy, it was stipulated and agreed between the said William Travers, the attorney and agent of the said Juan de Entralgo and the said Moses E. Levy, that the said Felicitas Almanza, the wife of the said Juan de Entralgo, should and would convey and release unto the said Moses E. Levy, and to his heirs and assigns, all her estate, right, title, interest, claim and demand, both in law and in equity, which she now hath, or is entitled unto, and which she shall, can, or may have or be entitled unto, at any and all time and times hereafter. Now, therefore, this indenture witnesseth: That the said Felicitas Almanza, for and in consideration of the premises, and of the sum of ten dollars to her in hand well and truly paid by the said Moses E. Levy, at or before the ensealing of these presents, the receipt whereof is hereby acknowledged, hath granted, bargained, sold, remised, released, and confirmed, and by these presents doth grant, bargain, sell, remise, release, and confirm unto the said Moses E. Levy, his heirs and assigns forever, each and every of the aforementioned and described tracts, pieces, and parcels of land herein beforementioned to have been granted, bargained, sold, aliened, remised and released, by the afore in part recited indenture, from and between the said Juan de Entralgo and the said Moses E. Levy; and also all the estate, right, title, interest, claim, and demand whatsoever, both at law and in equity, which the said Felicitas Almanza now has, can demand, or is entitled unto, and which she shall, can, or may have, demand, or be entitled unto, in, to, out of, or upon the said several tracts, pieces, and parcels of land, and each and every of them, and their and each of their appurtenances; and the said Juan de Entralgo doth, by these presents, approve, ratify, and confirm the aforesaid in part recited indenture, made by and between him, the said Juan de Entralgo, of the one part, and Moses E. Levy, of the other part, and executed on the part of the said Juan de Entralgo, by his agent and attorney William Travers, and all and singular, the matters, things, and clauses therein contained; and he, the said Juan de Entralgo, doth hereby assent to, approve of, ratify and confirm the execution of these presents, by his wife the said Felicitas Almanza, and all the acts, matters, and things herein contained and done by her. In witness whereof, the parties to

these presents have hereto set their hands and seals the day and year first above written.

JUAN DE ENTRALGO. [SEAL.]
FELICITAS DE ALMANZA. [SEAL.]

Sealed and delivered in the presence of us:
WILLIAM TRAVERS.
JUAN YZAGUIRRE.

TERRITORY OF FLORIDA, *St. John's County, ss.*

Be it remembered that, on this 25th day of August, A. D. 1826, William Travers, a subscribing witness to the within instrument of writing, came before me, the subscriber, clerk of the court for the county aforesaid, and made oath that Juan de Entralgo and Felicitas de Almanza, in his presence, executed the same, as, and for their act and deed, for the purposes therein mentioned: whereupon, I have recorded the same. Witness my name the date above written.

A. C. TINGLE.

Testimony of witnesses taken, offered, and received in evidence in this case, in behalf of the claimants, as follows, to wit:

No. 1.

DISTRICT OF EAST FLORIDA, *Superior Court*, 1832.

MOSES E. LEVY,
vs.
THE UNITED STATES.

Interrogatories and cross interrogatories to B. Segui and D. Hurlbert.

Interrogatories to be propounded to Bernado Segui and Daniel Hurlbert, witnesses to be sworn and examined in the above entitled cause, on behalf of the petitioner therein.

First.—How long have you resided in East Florida, and what offices have you held under the Spanish Government of that province?

Second.—Has your situation been such during your residence in East Florida, while it belonged to Spain, as to enable you to become acquainted with the practice of the authorities of the said province in the granting and location of lands to the inhabitants of the province, or others receiving grants of land?

Third.—Was or not the great object and policy of the Government in granting lands to its subjects, that its grants should be beneficial to them, and that the grantees should receive such lands as satisfied them; and did not the governor of the province almost, as a matter of course, permit a change of location of lands granted by it for the promotion of that object and policy?

Fourth.—Was or was it not a right incident to, and growing out of, a grant of land which proved to have previously granted, that the grantee might have his grant surveyed on the same quantity of other unappropriated lands, to be selected by himself? and was or was not this right understood to be secured by every grant, and the settled practice of the governor of East Florida while it was under the dominion of the King of Spain?

Fifth.—In such case, to wit, the interference of a grant in its location with one of prior date, was it or not usual for the surveyor, at the instance of the party, to remove the location so as to place it by his survey on vacant and unoccupied land?

Sixth.—Could any different practice existed here, without your knowledge of it?

Seventh.—Can you say whether the lake and other waters, and water courses, and marshes, when found to be within the limits of a grant, were measured and computed as part of the number of acres, or of the extent of limits granted; and, if not, whether or not they were, notwithstanding, held to be the property of the owners of the surrounding soil, according to the usages of this province?

Eighth.—Please state generally what you may know on the subject, or relating to the subject, of the last interrogatory?

D. LEVY.

The United States, by their attorney, object to all the foregoing interrogatories, and will, at the hearing of the above entitled cause, object to all the testimony which may be taken upon them, as irrelevant and illegal.

THOS. DOUGLASS, *U. S. Atty.*

Cross-interrogatories to be propounded to the above named witnesses, on behalf of the United States.

First.—Do you or not claim one or more tracts of land which have been located or surveyed at places other than those called for by the grant under which you claim such lands?

Second.—If you answer the fourth and fifth preceding direct interrogatories in the affirmative, please to state whether it was not necessary for the grantee to petition the governor, and get his decree, authorizing a change of location in such a case as is mentioned in said fourth and fifth direct interrogatories, before such change could be made?

Third—Please to state distinctly whether such change of location could be made without a special authority from the governor authorizing it in the given case.

THOS. DOUGLASS, *U. S. Attorney.*

IN THE SUPERIOR COURT, *District of E. Florida.*

MOSES E. LEVY, }
vs.
THE UNITED STATES. }

Answers of B. Segui.

The answers of Bernado Segui to the interrogatories and cross-interrogatories propounded to him in his cause; the said Bernado Segui having been first duly sworn.

To the *first* interrogatory, witness answers that he is a native of the country, and, with the exception of short intervals, has always resided in this country. Witness held no office under the Spanish Government in St. Augustine; he was a clerk in the office of the Government notary for several years; he held the office of King's notary and secretary for Fernandina.

Second.—Witness answers, yes.

Third.—Witness answers that the object of Government was to give vacant lands; and wherever lands were granted, and it afterwards appeared

that they had been previously occupied and located, the governor always permitted the latter party to change the location, upon petition.

Fourth.—Witness answers, by referring to his answer to the preceding interrogatory.

Fifth.—Witness says, that, after a grant had been made and located, the location could not be changed by the surveyor only by consent of the Government. Witness refers to private surveyors: he always understood that the surveyor general had authority to change the location of grants at the request of the parties, without reference to special instructions, he having private regulations from the Government.

Sixth.—Witness answers, no.

Seventh.—Witness is not sufficiently acquainted on the subject to answer.

Eighth.—Witness has stated all he knows.

Answers to cross-interrogatories.

First.—Witness answers, no: his lands are located at places described in the grants.

Second.—Witness says that he cannot answer more particularly than he has already answered.

Third.—Witness says, that, if a party locating a grant wished it changed, it was necessary for him to petition the governor to permit this change.

BERNADO SEGUI.

Sworn, and taken before me, the 22d day of May, 1832.

E. B. GOULD, *Presiding Justice St. John's County.*

No. 2.

DISTRICT OF E. FLORIDA, *Superior Court*, 1832.

MOSES E. LEVY,
vs.
THE UNITED STATES.

Interrogatories and cross-interrogatories to Geo. J. F. Clarke.

Interrogatories to be propounded to George J. F. Clarke, a witness to be sworn and examined in the above entitled cause on behalf of the plaintiff therein.

First. How long have you resided in East Florida, and what offices have you held under the Spanish Government of that province; and for what length of time have you held each of them respectively; and did you not at any time act as surveyor general?

Second. Has or has not your situation been such during your residence in East Florida, while it belonged to Spain, as to enable you to become acquainted with the practice of the authorities of the said province in the granting and location of lands to the inhabitants of the province, or others receiving grants of land?

Third. Was it or not the great object and policy of the Goverment in granting lands to its subjects, that such grants should be beneficial to them, and that they, the grantees, should receive such lands as satisfied them; and did not the Government of the province, almost as a matter of course, permit a change of location of lands granted by it for the promotion of that object and policy?

Fourth. Was it, or was it not, a right incident to, and growing out of, a grant of lands which proved to have been previously granted, that the grantee might have his grant surveyed on the quantity of other unappropriated lands to be selected by himself? and was or was not this right understood to be secured by every grant, and the settled practice of the governor, while East Florida was under the dominion of the King of Spain?

Fifth. Were you, as surveyor general, authorized to alter the location of grants of land made by the Spanish authorities as aforesaid from that called for by the concession, when such location came in conflict with other grants of prior date?

Sixth. In discharging your duties as surveyor general, was it, or not, the practice to exclude from your computation of the number of acres to be granted the marshes, ponds, lakes, water courses, and marshes on the borders of such lakes, ponds, and creeks, that happened within the limits of the ceded land?

Seventh. In such case as that alluded to in the last interrogatory, to whom would such lakes, ponds, marshes, &c. have been held to belong?—to those who owned the lands around them, or not?

D. LEVY.

The United States, by its attorney, object to all the foregoing interrogatories, and will object, at the hearing of this cause, to all the testimony taken under them.

THOS. DOUGLASS, *U. S. Att'y.*

Cross-interrogatories to be propounded to George J. F. Clarke, the above named witness on behalf of the United States.

First. Did you or not sell and transfer to the above named Moses E. Levy twenty thousand acres of land, under a grant which you allege was made to you by Governor Coppinger, bearing date the seventeenth day of December, 1817? if so, where are said lands situated; how far west of St. John's river; and how far, and in what direction, from Black creek?

Second. Do you, or not, claim one or more (and how many) tracts of land, situated at different place or places than those called for in the grants under which you claim said tracts?

Third. Do you or not claim one or more tracts of land under surveys which have been located and made at different places from those called for in the grants under which you claim the land? if you do, how many, and where are they respectively situated?

THOS. DOUGLASS, *U. S. Att'y, &c.*

DISTRICT OF EAST FLORIDA, *Superior Court.*

MOSES E. LEVY, *vs.* THE UNITED STATES. } *Land claim* 65,800 *acres.*

Answers of Geo. J. F. Clarke.

The testimony of George J. F. Clarke, in answer to the interrogatories and cross-interrogatories propounded to him in this cause, the said Clarke having been first duly sworn:

To the first interrogatory, witness answers that he is a native born, and has been in Florida nearly all the days of his life: he is now fifty-five years

of age. He has acted as surveyor general for about eleven years; as deputy governor of the northern division about five years; and he has filled a number of other officers whilst Florida was under the jurisdiction of Spain.

Second. Witness answers this interrogatory affirmatively: the offices which he held enabled him to know much of the practice of the Spanish Government in the granting of lands, as well as the principles upon which that practice was founded.

Third. Witness answers, yes, in its most liberal sense.

Fourth. Witness answers, yes; Government never made the smallest objection to the re-locating lands, until they were satisfied of the safety of their grant, and it answered the purposes of the grantees.

Fifth. Witness never refused to alter the location of lands when applied to by the grantees. It was a practice pursued by witness's predecessor as well as himself, and known to the Government. Government never refused this permission when called for.

Sixth. Witness states that it was generally the case. Grantee had a right to the marshes, but not to the water courses, independent of the quantity called for in this grant.

Seventh. Witness has answered in his answer to the next preceding interrogatory.

Answers to cross-interrogatories.

First. Witness says that he made a transfer of 20,000 acres to a person who afterwards transferred it to Mr. Levy. He does not recollect the date. The lands are situated in Alachua county, about forty miles west of St. John's river, and probably about the same distance from Black creek, S. W.

Second. Witness claims still six thousand acres, part of which he has sold. These are situated at different places in the Alachua, but not adjoining the twenty thousand acres.

Third. Witness says that he has; he cannot recollect how many. They are situated within what is called Alachua county.

GEO. J. F. CLARKE.

Sworn to before me, the 22d day of May, 1832.

E. B. GOULD,
Presiding Justice St John's county.

No. 3.

DISTRICT OF EAST FLORIDA, *Superior Court*, 1832.

Interrogatories to B. Ponce.

MOSES E. LEVY,
vs.
THE UNITED STATES.

Interrogatories to be propounded to Bartolo Ponce, a witness to be sworn and examined in the above entitled cause, on behalf of the petitioner therein, before Elias B. Gould, esquire, a justice of the peace, at 5 o'clock P. M. of this day.

First. How long have you been an inhabitant of East Florida?

Second. Have you been much acquainted with the interior of the country?

Third. Do you know a district of country called Cuscowilla and Chachala

hammocks? If yea, how long have you known them by that name, and where are they situated?

JOHN DRYSDALE,
Pet. Solicitor.

May 26th, 1832.

Objection of U. S. att'y. These interrogatories were handed me on Saturday evening at four o'clock, the 26th May, 1832. I have no time to consider the tendency or effect of them, or to procure, if necessary, counter testimony: I therefore object to the time and to the manner of proceeding in relation to them.

THOS. DOUGLASS, *U. S. Att'y.*

DISTRICT OF EAST FLORIDA, *Superior Court.*

MOSES E. LEVY,
vs.
THE UNITED STATES. } Land claim 65,800 acres.

Answers of B. Ponce. The answers of Bartolo Ponce to the interrogatories hereunto annexed, the said Ponce being first duly sworn.

To the first interrogatory, witness answers that he is a native of Florida, and thirty-eight years old.

Second. Witness says that he has been much acquainted with the interior of the country.

Third. He knows the district referred to; he has known them by the name of Cuscawilla and Chachala hammocks, for twenty years. Cuscawilla is near the centre of the Alachua or Arredondo grant. Chachala hammock is around Payne's prairie, and is also within the said grant. Both of these hammocks are within the limits of what is generally known as the Alachua grant.

his
BARTOLO × PONCE.
mark.

Taken and sworn before me the 26th May, 1832.

E. B. GOULD,
Presid'g Justice St. John's county.

DISTRICT OF EAST FLORIDA, *Superior Court.*

MOSES E. LEVY,
vs.
THE UNITED STATES. }

Interrogatories to D. Levy. Interrogatories to be propounded to David Levy, a witness to be sworn and examined in the above entitled cause on behalf of the petitioner therein, before E. B. Gould, esquire, a justice of the peace, at 5 o'clock P M of this day.

First. How long have you resided in Florida, and in what part of it have you been chiefly located?

Second. Are you acquainted with a district of country known as the Chachala and Cuscawilla hammocks? If you do, state where they are situated.

Third. Are they generally known among the old inhabitants of the coun-

try, near to where they are situated, by those names; or have you any reason to believe that those names have been recently given to them?

May 26th, 1832.

JOHN DRYSDALE,
Pet. Solicitor.

Objection of U. S. att'y. The within interrogatories were handed to me at four o'clock on Saturday evening, the 26th May, 1832. I have no time to consider of their tendency or bearing upon the case, or to procure counter testimony, if such should be necessary; and therefore object to the time of their exhibition, and the manner of the proceeding.

THO. DOUGLASS, *U. S. Att'y.*

SUPERIOR COURT, *Dist. E. Florida.*

Answers of D. Levy. MOSES E. LEVY, *vs.* THE UNITED STATES.

Answers of David Levy to the annexed interrogatories, the said Levy being first duly sworn:

First. He has resided in Florida four years, during which time he has resided in the district of country known as the Alachua, near the centre of the Arredondo grant.

Second. Witness is aquainted with Chachala and Cuscawilla hammocks. The Cuscawilla commences within half a mile of the spot which has been always known as the centre of the Arredondo grant, and which was decreed to be so by the superior court of this district in its decision on that claim. The Chachala commences within about one mile of the same place, and extends seven or eight miles or more around Payne's prairie, the whole of it being within the limits of that grant as confirmed by the Supreme Court at its last session.

Third. These hammocks are universally known and called by that name by all the Indian negroes, and the old white inhabitants; nor is there the least reason for witness to suspect that they have ever been known by any other name, at all events, during the period when Florida was a province of Spain, as well as since that period up to the present moment.

DAVID LEVY.

Sworn and taken before me, the 26th May, 1832.

E. B. GOULD,
Presiding Justice St. John's county.

Decision of the court as to testimony of Levy and Ponce. *As to the testimony of Levy and Ponce:* Their testimony in answer to the within interrogatories is admitted by the court, notwithstanding the above objection, because precisely the same rule has been extended to the attorney of the United States in various cases where his testimony was offered without previous notice to the opposite party, when the claims were on the point of being submitted, or were actually submitted. The testimony in such cases was received, notwithstanding the objection of the opposite party—notice being given that if, by such testimony, delay became necessary for the purpose of rebutting or explaining it, that delay would be granted by the court. In this instance no such delay is solicited, or appears in any way to be necessary.

JOSEPH L. SMITH, *Judge.*

No. 4.

MOSES E. LEVY, *vs.* THE UNITED STATES. } *Land claim* 65,800 *acres, May* 26, 1832.

Testimony of Joseph B. Lancaster.

Joseph B. Lancaster, being duly sworn as a witness in open court, on this day, on behalf of the said claimant, states, that he knows the situation of Cascawilla and Chachala hammocks, and that they are both within the Alachua grant. The witness is now speaking of the grant to George J. F. Clarke for 26,000 acres of land; and, looking at the plot of the same, *same* says that it must and does lie in the Alachua grant according to the location of the same by the decree of this court.

No. 5.

SUPERIOR COURT, *East Florida.*

MOSES E. LEVY, *vs.* THE UNITED STATES. } *Land claims* 65,800 *acres.*

The testimony which follows is part of that which was taken in the case of F. M. Arredondo and others vs. the United States, and by agreement of parties to be received in evidence in this case on the same footing as it was received in the said case of Arredondo vs. the United States. Offered by counsel for claimant as follows, to wit:

Testimony of Joseph M. Hernandez.

Joseph M. Hernandez's testimony: Witnesses states that, subsequently to the year 1812, the Seminole Indians abandoned that country then known as the Alachua, as nearly as I can recollect, but cannot be certain as to the particular time, but think it was sometime in the year 1813 or 1814. The witness further states that these Indians have not, within his knowledge, since that time returned to the Alachua country, as he has never understood that they have so returned; and that it has been the general understanding of the community that they have not so returned, that is, to make that country their residence or place of abode as it formerly was.

Examined by United States' attorneys: Witness states I never was in the Alachua district before 1813 or 1814, the time mentioned above, or indeed before the change of Government in 1821. The witness further states, that he has understood and supposed that Alachua was a district of country, the extent of which was not particularly known to him: he is not able to say that the name of that district was derived from a lake called Alachua. Witness states that, subsequently to 1812, several armed parties, at several times, as he has understood, made incursions into the Alachua country against the Indians, and that he has also understood that the Indians abandoned the Alachua country on account of these incursions. The witness says that he cannot say that they were driven from the country on account of these incursions and actual force, but is inclined to think that they left it for the purpose of obtaining a position more protected than one so close on the frontier. The witness states that, after the disturbance in 1812, a period of quiet, immediately on the removal of the United States' troops from the province, took place, and continued for a number of months; but again, in the course

of the year 1813, straggling parties, without any particular head, as the witness understands, were disturbing the country in the interior, west of the river St. Johns, and about the Alachua. This state of things continued for some time, and when it ceased witness cannot precisely state, but previous to the occupation of the town of Fernandina, about the close of the year 1817, as witness thinks, a period of quiet of ten or twelve months had happened, which was again disturbed in the neighborhood of Amelia Island by that occupation; but the country generally continued quiet till it was entered by the United States troops in 1818. The witness further states that the Indians, when they left the Alachua as above stated, have been understood by him to have gone in a southwardly direction to a place which he believes is called Pa-lak-li-ka-ha; as to the precise distance, he cannot state, and does not recollect that he has ever heard, but understood it was a considerable distance. Witness again states that he has never understood that any Indians were residing at Alachua about the time of the transfer of this country to the United States, or at any time just previous thereto, or since the abandonment of the Alachua, already spoken of by the witness.

The witness states, in reply to an inquiry by the court, that the straggling parties which he has spoken of in his testimony, as he understands, were altogether unauthorized, and not acting by the order of any Government. He also states that the Indians, while they resided at Alachua, before their abandonment of it in 1813 or '14, were in possession of villages, and cultivated grounds, and cattle, and horses; and he means to state in his testimony that he has understood that they have never returned to the re-occupation of these villages, or to the cultivation of these grounds, it being considered, as witness understands, an unsafe place for the grazing of their cattle and horses.

Witness states, in answer to an inquiry by counsel of the United States, that he has understood that many horses were destroyed belonging to the Indians by the parties that invaded the country from time to time.

Witness examined by claimants.

Witness states that this is his native place; that it has been his constant place of residence since 1811; that here he has had the same opportunity to know the usages and practice of the Government of Spain in regard to East Florida as have been possessed by other residents here; that he resided in the city of Havana about five years immediately preceding 1811, which has given him some opportunity to know of the usages and mode of administering the Government there.

Question by counsel for claimants. Have you ever known a grant of a governor or intendant disapproved by the King?

The witness replies that he has never known such grant disapproved of.

Question by counsel for claimants. Was it not understood that as the practice and usage of the Government of Spain to dismiss or censure an officer who exceeded his authority, but not to vacate the grant given?

Witness replies that it has been always understood here, and that he believes that it is so understood by the inhabitants of Cuba, and probably throughout the Spanish dominions, that the acts of the governors, in cases where the interests of the crown are alone affected, are guaranteed to the subject; and the governors alone are answerable to the King if they have exceeded their authority, and that the interest derived by the subject by virtue of such act is not vacated, taken from him, or permitted to suffer.

Question by counsel for claimants. When a title in form, *a titulo de propriedad*, as it is called, was given, was it not considered by the grantees as absolute and indefeasable; and was it not so respected by the Spanish authorities?

Witness replies, it was.

Question by counsel for claimants. When a title in form was given to a Spanish subject, and a condition annexed, was it not understood to be the practice and usage of the Spanish Government to call on the grantee, by inquest or other proceeding, to fulfil the condition; and, if any cause was shown, would not the Government allow a further time for its performance?

Witness replies that it was not the practice, as he understands, for the Government to call on the grantee to show cause why he had not performed the conditions of his grant, and that a grant, by reason of the non-performance of the conditions attached to it within the time stipulated, would of course become void; but it was understood generally that further time would be given for the performance of the condition, upon the grantee showing good and reasonable excuse for the non-performance of the conditions within the time limited.

The counsel for the United States excepted to the three preceding questions as being incompetent and irrelevant, which objection was overruled by the court, and the answers ordered to be taken.

Question by counsel for claimants. Was the Spanish Government able to afford protection to settlers in the years 1818, '19, and '20, in Alachua?

Witness replies, I do not think they were.

Question by counsel for claimants. Did not this inability arise from the recent circumstances of the Spanish nation?

Witness replies, yes, and war with France since the year 1808 up to 1820, from which resulted the inability of Spain to protect her colonies: the witness adds that the inability of the Spanish Government has continued and increased up to the present time.

Examined by counsel for the United States.

The witness states that Fernando M. Arredondo and Son, the original grantees of the Alachua grant, were Spanish subjects, and Spaniards by birth and descent. Witness further states that he cannot say precisely when Fernando M. Arredondo, the father, left this Territory. He left this country as its representative of the Provincial Junto held at Havana for the purpose of electing its representative to the Cortes of Spain, and has not since returned to Florida. F. M. Arredondo, the son, left here sometime previously to the change of flags, but, the witness thinks, after the father left the province: the father has remained an inhabitant of Havana till this time. I believe Joseph Arredondo, the son, has been twice in this country since the change of flags, and, when he last here, was lost in the schooner Florida, in 1825, on returning to Cuba, to his residence in Cuba.

Question by counsel for claimants.

Would it not have been impossible to bring two hundred Spanish families here after the treaty with Spain?

Witness replies that it would have been somewhat difficult, but cannot say that it would have been impossible; but Spaniards and Catholics prefer to remain in their own, or, if they emigrate, to Spanish colonies. Witness

further states that he has not understood that the laws of Spain, or the regulations of the crown, prohibit Spanish subjects from emigrating to protestant countries; but he has understood, from general report, that, some time between 1800 and 1805, a Spanish sloop of war was sent by the Spanish Government to Baltimore to take from that place a number of Spanish youths at school or college there. Witness further states, that a large number of the Spanish families have left this country and gone to Cuba since the change of flags, and principally immediately after the change. I know that some of the inhabitants of Louisiana left that country after its transfer to the United States: cannot say what number.

Question by counsel for United States.

Witness states that, by the inhabitants of this country, that he does not mean the military who belong to the garrison, but he meant those who were citizens of the place, and some of them were connected with the military, and some few others perhaps held civil offices.

Examined by counsel for claimant.

Witness states that, during his residence in this country during the Spanish Government, he never heard of any boundary between the Indians and that Government. Witness states that Governor White conducted himself, in his official capacity, more as a military man than as a civilian: witness does not believe that he condescended to give explanations for any of his official acts, except to his superiors; to whom it is presumed he was full and explanatory. Witness states he believes it has been usual for the Government of Cuba to make large grants of land, not only for Cuba, but for Florida also. In making them, witness believes they take into consideration the grantee's condition in life, and his ability also to improve the lands granted—services rendered by him are also considered. The witness states further, that the practice of holding lands in Cuba on tribute, or the payment of the lawful interest on the stipulated value of the lands, has emanated from the making of these large grants; and this practice of holding lands in Cuba is very extensive. The persons so holding the lands take them, as witness believes, from the Government grantee, on the condition of paying to him this annual tribute, but are not bound ever to pay the principal, but may do so if they think proper.

Cross-examined by counsel for United States.

Witness states that he personally knew Governor White, and had known him from his childhood till he left this place, in 1802, at the age of fifteen, to go to Savannah to school; that witness returned to this place again in about two years, left it again in 1805, and returned again in 1810, when he had an opportunity of again seeing the governor: witness went again in 1810 to the United States and to Cuba, and again returning in 1811, found that Governor White had died in his absence. Witness states that he formed his opinion of the manner of Governor White, in transacting official business, from his own observation, and from the general character which was borne by him. Witness states that Governor White was esteemed a very honest man, and remarkably strict and rigid in the discharge of his duties. Witness states that he is under an impression that any special rules and regulations upon which lands are to be granted by the officers of Government, are pub-

lished ordinarily in the Government Gazette, or in some other public manner; but he believes, at the same time, that they act discretionally, reporting their acts to the crown: witness states that he means to be understood, that the governor or public authorities report their acts to the crown in cases where, in their discretion, they have thought it their duty to go contrary to the laws or ordinances of the crown. For instance, the witness states that Governor Estrada exchanged 4,000 or 4,500 acres of land for a vessel with Mr. Russel. This act, witness understands, was contrary to the ordinances, which prohibited, or did not allow the sale of lands; but this act was reported by Estrada to the crown, and was approved of, but it was directed that the approval should not be considered as a precedent for future acts of a like kind. Witness thinks the large grants, of which he has spoken of as having been made in Cuba, were made many years ago. The grantees of these large grants are some of them in possession of large stocks of negroes: the witness states that of these large grants, to which he particularly has referred in his testimony, some of the grantees may be dead, and others alive; does not particularly know. He further states that grants have been lately made in Cuba, but whether in large or small grants he is not able to say. Witness says that, from 1816 to 1821, the time of the exchange of flags, that a small number of families could not safely have settled in Alachua; that two hundred families might have maintained themselves, and would have been safe there.

All the evidence relating to the practice of the Government of Cuba is excepted to by the counsel for the United States as inapplicable, irrelevant, and foreign to the issue.

George J. F. Clarke's testimony. Examined by counsel for claimants.

Testimony of George J. F. Clarke.

Question. What was the state of the Seminole nation, in the neighborhood of Alachua, in the year 1818, 1819, 1820? whether disturbed or not; and if so, the causes of disturbance?

Answer. General Jackson's army broke up at Micasookytown, on the borders of Florida, in May, 1818. The army then progressed east by the town of Sawanee, lying northwest of the centre of Alachua about thirty miles, which they broke up. The Indians, in consequence of which, were dispersed in small parties, and were scattered in East Florida as far as Indian river and the seaboard. With these circumstances, I became acquainted from report: I am unacquainted with them myself: I am not certain with regard to the distance from Alachua to the Sawannee. The Indians were dispersed in small marauding parties, and it was considered dangerous to go among them. This was the state of affairs, more or less, until the late transfer of this country to the American Government.

Ques. Did the unsettled state of affairs in Spain, in 1818, '19, and '20, cause any degree of stagnation in the business, generally, in this Territory?

Ans. Florida has been upon the decline from the revolution in France, and at this period was at a very low ebb; so low indeed, that it scarcely could have been worse.

Ques. Was not the Government of this Territory jeopardized or enfeebled by the unsettled state of Spain?

Ans. The Government was almost destitute at that period of funds and military, and unable to protect those who were at a distance from the town.

Ques. Were not the enterprise and exertions of the inhabitants of this Territory, at that time, very much cramped and paralyzed in consequence of these causes?

Ans. The efforts of the inhabitants were very much enervated in consequence of this political insecurity.

Ques. Whether from these causes emigration from all quarters, and particularly from Spain, was not checked?

Ans. It was, and I believe from these causes. As for emigration, we seldom had much but from the United States, from which we generally received emigrants.

Ques. Was it not more difficult to get emigrants from Europe under such a state of affairs, than if no disturbance or difficulties had existed?

Ans. It was.

Cross-examined.

Ques. Do you think that this state of affairs would prevent emigration from Cuba to this country even under the protection of some wealthy or powerful personage?

Ans. I really cannot say.

Ques. Were the inhabitants of this Territory in the habit of travelling into the interior?

Ans. It was not customary; there was but little travelling.

Ques. Why not?

Ans. Because, in the first place, they had no business to call them there, and there was danger besides apprehended.

Ques. Was there any apprehension of the Indians by the inhabitants?

Ans. There was.

Ques. Were the inhabitants averse to making settlements upon the outskirts of the present settlements—I do not mean isolated location among the Indians?

Ans. Yes, they were averse to being on the frontier, although there were some hardy few who formed a frontier, though none wished, or was willing, to go beyond them.

Ques. What are the Spanish inhabitants of the Territory?—emigrants of old Spain?

Ans. I do not know.

Ques. Do you know whether they are few or many?

Ans. I do not know.

Ques. Do you know whether there are 20 or 100, more or less, either one or the other?

Ans. I really do not know; I never made any particular inquiry.

Ques. Have you ever resided in the city?

Ans. I have had occasion to be here frequently, but never for a long period at once since the year 1808.

Ques. Have you not made it your study to gain an acquaintance with the population and general resources of Florida?

Ans. I have, sir, until the change of Governments.

Ques. Are you not the author of many pieces appearing in the Florida Herald, signed a native Floridian?

Ans. I am.

Ques. Have you not published some pieces upon the subject of the Indians?

Answer. Some of my pieces have been published, but not by me.

Question. Have you known any emigration of Spanish subjects, not Minorcans, unconnected with Government?

Answer. Yes, from Cuba, who came, upon a bounty paid by the Spanish Government, as settlers here.

Question. Did you know any of them?

Answer. I did; I do not recollect the names at present; came here about the year 1800; their descendants have left this place.

Question. Do you recollect of any emigration from Old Spain direct, or from Europe, of Spanish subjects?

Answer. I do not.

Question. Do you know whether it has been the subject of solicitude of the Spanish Government to increase the population of Cuba, Puerto Rico, and the Floridas?

Answer. It was; I have seen a proclamation in one of the publications of the United States, which was intended to induce persons to emigrate and settle in Cuba: did not obtain my knowledge of Puerto Rico from the same source.

Question. Was the Spanish Government jealous of the emigration of the citizens of the United States?

Answer. It was, at one time: about 1792, the Territory was open to all; afterwards a proclamation, about 1804 or '5, prohibiting the emigration only of citizens of the United States.

Question. Was the order of prohibition enforced?

Answer. It was until the cession, although the was occasional exceptions.

Question. Did not the revolution in 1817, under McGregor, increase the jealousy?

Answer. It did not.

Question. The incursion under McGregor was principally conducted by Americans, was it not?

Answer. Yes, as I understand.

Question. What was the conduct of the Spanish population at that time?

Answer. Generally in favor of the Government.

Question. Was the revolution in 1812 principally supported by the American population of this Territory, and by the American army?

Answer. It was.

Question. Do you know of any American citizen who aided McGregor in his revolution?

Answer. I recollect but only one by name, but understood that there were many others.

Question. In consequence of the revolution of 1812, were not bounties of lands given by orders of the King to such persons as remained faithful in their allegiance, and served the Government in some military capacity?

Answer. Yes.

Examined by counsel for claimants.

Witness states that the Indians were driven from the Alachua late in 1812 or early in 1813; that, after they were driven off as spoken of, they did not return, as he believes, to occupy or settle the country. Witness further states that he was an officer of the Government here about five years imme-

diately preceding the change of flags: he held his office under the appointment of the governor of the province, and the discharge of my public duties led me to seek and obtain an intimate knowledge of the condition of that part of East Florida lying to the north and west of the St. Johns, so far as its internal peace was concerned. Witness states that he has no certain criterion by which he is enabled to say that the grants of the governors, of lands to the subject, were, according to the usage of the Spanish Government, to be protected and confirmed to the subject, even the conduct of the governor in making the grant was disapproved. Witness thinks it was the general impression that the subject, the grantee, would, in such case, be protected in his grant; but he knows of only case to confirm this idea, and that was the case of grant of lands to one Russell in consideration of a vessel sold by him to the Spanish Government. The conduct of the governor here was disapproved of, it being a principle of the Government here never to sell, but to give their lands; and for this reason the conduct of the governor was disapproved of, but the grant was confirmed to the said Russell. Witness further states that he has known of no case wherein a grant has been revoked because the governor making it was not empowered so to do.

Witness states that his impression has been, and that impression was generally received here, that the Spanish Government have always been unfavorable to the emigration of her subjects to foreign countries, and he concludes, of course, from the nature of her religion, more unfavorable to the emigration to protestant than to catholic countries. The witness believes that this policy was founded chiefly on the enfeebled state of European Spain, which had been occasioned in a great measure by the drain of her population to her colonies in America. Witness states that, from his knowledge and impression with respect to the policy of the Spanish Government, he thinks that two hundred families would not have been permitted, with the knowledge of the Government, to have emigrat*ion* from the dominions of Spain to this country after its transfer to the United States. Witness states that the Spanish population of this part of the Territory, that is, much the greater part of this population, left it chiefly for Cuba, soon after the transfer of Florida, or previous thereto, in contemplation of that transfer, but there still remained a considerable number. Witness states that he knows of no special inducements that were held out exclusively to foreign catholics to settle in the Spanish colonies; but inducements, in 1790, were offered to foreigners generally to settle in Florida. This inducement, as witness understands by the proclamation of 1790, consisted of head-rights to lands. Spanish subjects from other Spanish colonies, in addition to their head rights to lands, received pecuniary donations. Witness states that the provincial Government of Florida had it not in their power between the year 1818 and 1821 to protect, or afford protection, to settlers in the country west of the river St Johns; that he believes that the principal cause of the want of power in this provincial Government was the debilitated state of the mother country. The witness states, in answer to an inquiry by the counsel for claimants, that he does not know what quantity of land was meant to be expressed by a *finega* of land: it was a measure not applied to lands here, the quantity of land being expressed here by the term acre, but a *finega* of grain is understood by the witness to be 3½ bushels; and Indian corn was sent to this place from Cuba to be distributed among the people by the finega of 3½ bushels. The *finega* denotes a measure of land in Spain, but the quantity implied, witness cannot state. Witness states that he believes a bushel

of wheat is a large allowance for planting an acre of ground; he knows it is so considered as to rye, and judges about the same quantity of wheat as rye is necessary for seeding land. A bushel of Indian corn will plant four to six acres.

Cross-examined by United States' attorneys.

Witness states that he does not know whether Palak-li ka-ha, the place to which the Indians removed when they left their settlement in Alachua, is within the district heretofore known as Alachua, or not: he understood that the term Alachua formerly designated only the pond, called Alachua pond; but it, after a while, was applied to an indefinite tract of country around the pond, the limits or extent of which is unknown to the witness. Witness further states that the Indians, called Alachua Indians, were understood to have lived in the vicinity of this lake he has spoken of, called Alachua, are the same Indians he has spoken of as having been driven from their settlements in 1812 or '13. Witness states that he is not able to say that these settlements of the Indians were within the limits of this grant of F. M. Arredondo and Son: they were in that district of country called Alachua. Witness states that the inability of the provincial Government to protect settlers west of the St. Johns, and above the mouth of Black creek, was as great in 1817 as it was in the years spoken of by him above, and that inability had existed ever since the revolution in this province in 1812; and the cause of this enfeebled state of the provincial Government resulted from the debilitated state of the mother country, commencing, particularly, with the French revolution, which was as operative as it regulated this country in 1812, as it was afterwards. No material assistance or supplies were received by the Government here after the revolution of 1812. Witness states that the Alachua country lies west of the St. Johns, and south of the mouth of Black creek. Witness states that it was considered unsafe to settle in the district of country spoken of subsequently to the revolution in 1812, up to the time of the change of flags. He states that this insecurity, he considers to have been occasioned by the troubles of the revolution, and the invasion of the province from the United States, and the occupation of Fernandina, and invasion by McGregor. The Indians were considered friendly to the Spanish Government, and the danger was not so much apprehended from them, unless from plundering parties of Indians, they not being under control. McGregor took possession of Fernandina about the last of June, 1817.

Examined by claimant's counsel.

Witness states that the settled part of the country north of St. Johns was quiet in 1817, but that portion of the country in the neighborhood of Alachua was still disturbed by marauding parties of plunderers and cattle stealers from Georgia, and from our own disaffected people.

Witness states that the provincial Government in Cuba is understood by him to be in the practice of making quite small grants, but has understood that very large grants are made there.

Cross-examined by counsel of United States.

Witness states that he has not understood that the Indians on the west

of the Sawanee, after being broken up by the invasion of Florida by the American troops in 1818, crossed the Sawanee, and settled or occupied the Alachua country; but he has understood that they extended themselves south and east from the Sawanee, and some of them, he knows, located themselves, on the seaboard of the Atlantic, to the southward: that those Indians which crossed the Sawanee were principally Seminole Indians. Witness considers all the Indians in Florida Seminoles, except the town of He-cha-ta. Witness thinks Fernando M. Arredondo, the grantee, left East Florida in 1812 or '13, and has lived in Cuba since that time. As to Joseph M. Arredondo, one of the grantees, witness cannot tell when he left East Florida: he supposes it was after the father left it, but before the exchange of flags; but he came to this country again afterwards; and witness saw him here in 1824 or '25, and he was finally drowned in going from this place to Cuba, at the time last mentioned. At this time his family resided in Cuba, and I supposed him here in 1824 or '25, with a view to business rather than residence. At the time that Arredondo, senior, left here in 1812 or '13, the commercial house, of which he was one of the principals, remained here, and witness cannot say whether it was broken up at the time that Joseph Arredondo afterwards left here or not, and cannot say whether it was broken up at the exchange of flags or not. The Arredondos were Spaniards: witness understood the father came from Old Spain.

Witness states, that he has heard of no inducements offered by the Arredondos to Spanish families to settle at Alachua: he thinks it would have been difficult to have obtained that number of Spanish families from anywhere, to have gone there before the transfer of Florida to the United States. Witness states that, previous to 1817, his residence had been at Fernandina for a number of years, the duties of his office being confined to that part of the province north of the St. John's. After 1817, till subsequent to the exchange of flags, his residence was not of a fixed character, but he made it his home chiefly at St. Mary's, being vice consul of the Spanish Government for the southern part of Georgia; but his business led him frequently to St. Augustine, and he was of course backwards and forwards from St. Mary's to St. Augustine.

In answer to question by claimants—

Witness states, that Fernando M. Arredondo, sen., when he left this province at the time mentioned, left it in the character of a representative of East Florida to the provincial junta of Cuba.

Examined by counsel for claimants.

Witness states, that he was surveyor general of this province, which office he held from 1811 till the exchange of flags; had instructions for the regulation of his conduct in office, but they made no reference to any Indian boundary separating their lands from the lands of the whites, or any Indian boundary of any description. He never received from any Government, or from any public officer, any direction recognizing or counting upon the existence of any such boundary. Witness farther states that he never heard of any such, till the exchange of flags; except about thirty years ago, he heard an Indian trader say something of an Indian boundary established anterior to 1784, in British times, which he supposed regulated the Spanish Government; that the witness then made inquiry whether there was any

such boundary of various officers of Government, and especially by Zubizaretta, the escrivano, and was always informed that there was no line of demarcation between the Spaniards and Indians, which governed, whatever there might have been in British times. Witness says that Governor White, in his unofficial intercourse, was affable and polite; that when on official business, he was stern and severe, seldom permitting scarcely a second question: he made his decision without entered into explanation, at least in his office, though to a friend he might have given his reasons out of his office. Witness states that, previous to 1817, the Government was certainly reluctant to make grants west of the St. John's river, generally from a wish not to bring the people in too close contact with the Indians; and, for the same reason, the people were not inclined to ask for grants there; but the Indians having left that country in 1812 or '13, and marauding parties from Georgia having ceased in 1817, the Government at that time made grants of land to people in that country when they wished them; and witness himself, in 1817, '18, and '19, located many grants there for the grantees which had been previously made in other places. Witness states that, in British times, there was an establishment high up the river St. Johns, on the west side, below the mouth of the Ocklawaha: the first, nearest the Ocklawaha, called Pengree's Old field. This was a grant made by the British Government to some titled person in England; was a large grant of several thousand acres; believes 10,000; and under this grant an agent from England, by the name of Pengree, came out and settled it; hence the name of the place. The opposite side of the river was called Mount Tucker, after the name of the grantee, part of the grant being on the east side of the river. Witness states that the overseer, Pengree, as he understood, lived on the east side of the river at this mount, it being a fine elevated situation, but the plantation was on the other side, and consisted of low cultivated rice fields. There was another settlement lower down the river, on the west side: it was a large settlement, and belonged to the house of Panton, Leslie & Co. Witness became apprentice to the house in 1786; visited the place about three years afterwards, found it to be an old establishment, and concluded it must have been held under a British grant, the British having occupied the country as lately as 1784. This settlement lay above Buffalo bluff, witness thinks, some four or five miles.

Examined by counsel for United States.

Witness states that he meant, in his testimony yesterday, when he spoke of the Indians having left the country, that he meant all that country west of the St. John's and south of the Santa Fé, extending westwardly to the Sawanee, and southwardly towards Tampa bay; that he means that they had generally left it, though some might have remained. When he speaks of the Alachua country, he speaks of a country of indefinite extent; the term originally applied to the pond or savanna, but has been gradually extended farther and farther, including the district of country around that pond. Witness states that, as early as in 1817, the term Alachua comprehended a district of country extending north and south about 100 miles, and east and west about seventy miles. Witness states that this pond was considered not about the centre of this country, but north and west of it, as he thinks. Witness says that, as to this part of the country, mentioned yesterday by him as having been left by the Indians, and the extent of which he has just given, the In-

dians did not subsequently return, as he understood, after they left it in 1812, '13, and '14. Witness has claims to lands derived from the Spanish Government, in various parts of the Alachua district. Witness states, that his impression is, though he is not able to state positively, that he has no grant to lands in Alachua, other than those made by Governor Coppinger.

Testimony of Antonio Alvarez.

Antonio Alvarez's testimony: Witness states that he first entered into an office of the Spanish Government in the year 1807, as clerk of the Government secretary of this province; that he remained as such till December, 1808, when witness went to Havana and remained there till June, 1810, at which time he again returned to this place, when he resumed the station of clerk in the same office mentioned above; quit that office again in 1814; in August, 1815, the witness was appointed by the King, chief clerk in the office, the duties of which he performed till the change of Government. In this office, in which witness was chief clerk, all *concessions* of lands were made; the royal title or absolute grant proceeded from the escribano's office, which was distinct from the secretary's. Witness states that the secretary's office, where he acted as clerk as aforesaid, was the office where the governor personally attended and transacted his duties, except such as were of a judicial character. Witness states that during the whole time he was in the secretary's office as above stated, he never saw nor heard of a map marking upon it any Indian boundary or limit; witness says that he never heard, either in the office or elsewhere, of any such boundary as existing; he never heard of it at all, so far as he recollects, till since the change of Government. Witness states that Governor White was very precise in his mode of doing business; he did it without many words; when he made an order it was made without explanation, or at least very seldom with explanation, and was carried into execution in the same way.

Cross-examined by counsel for the United States.

Witness states that he considered Governor White a correct officer; very strict; he does not mean to distinguish between one governor and another, as to which was most correct and upright in his motives; he means only to speak of their mode and manner of doing business: some would refuse to grant a petition, or comply with an application in a courteous manner, and by explaining the reason for not doing so to the applicant; but Governor White was very precise and short in his manner, and, when he refused, would frequently say to the applicant, that, "I wont, because I wont;" which was his favorite expression. Witness states that he is interested in a grant, being sole grantee of the Government of a tract of land, lying as he supposes, in the Big hammock, which witness understands to be situated south and west of Black creek and the St. Johns; witness understands it lies about forty miles west of the St. Johns; witness believes that it lies two or three miles from the head of the Ocklawaha: the grant contains fifteen hundred acres, was made by Governor Coppinger, in 1817. Witness states that he had never heard, before the exchange of Governments, of any settlements of whites west of the St. Johns, in the direction of his grant. Governor Coppinger arrived here on the 5th and 6th of February, 1816, and immediately assumed the government of the province. Witness states that previous to the arrival of Governor Coppinger, the Indians were understood to live in the country west of St. Johns: witness did not understand there

were any immediately on the St. Johns. Witness states that he never heard of any Indian boundary as existing between the Indians and the British, when this province belonged to Great Britain, till since the country came under the government of the United States. Witness states that after the revolution and disturbances in this country, in 1812 and '13, and during these years, and also in 1814, he had heard from the common report of parties from Georgia going into the Alachua country to steal cattle, and of disturbances between them and the Indians, that, during the years 1815, '16, and '17, he heard of no disturbances of this kind in that country, but he heard that a family was murdered by the Indians who were inhabitants of the province, but not Spanish people, living, he believes, between the St. Marys and the St. John's rivers; but that he knew of no difficulty or disturbances, during any part of this time, between the Spanish people and the Indians, or between the Spanish Government and the Indians.

Witness examined by claimant.

Witness states that his claim to this grant has been recommended to Congress for confirmation, but by some mistake was not included in the report of the commissioners to the Secretary of the Treasury.

Examined by counsel of United States.

Witness states that he is positive he has never seen a treaty held between the British and Indians at Picolata.

By counsel for claimants.

Witness states that, if such treaty had have been in the office of which he was clerk, he should have seen it: there is no such treaty in the office of the public archives of which witness is keeper. Witness further states that the office of the secretary was the proper place for the deposit of such treaty, if it had been in the possession of the Spanish Government.

By counsel for the United States.

Witness states that he formerly saw in the office of the secretary some few British documents: he believes all that he saw in that office are now on file in the office of the archives, and he believes they relate to the sale of some lots of land.

By counsel for claimants.

Witness states that Pedro Miranda has been absent from this country in Cuba about two years.

The witness also deposeth and saith that this deponent acted as chief clerk to Governor Coppinger, and was present at a talk held between the said governor and some Indian chiefs shortly after the establishment made by Mr. Wanton on the Alachua; that the chiefs complained that white men had settled at the Alachua; the governor replied that they were sent there by Mr. Arredondo with his (Governor Coppinger's) permission, in consequence of Mr. Arredondo having obtained a grant of the land from a person having more power, or a greater man than himself, meaning thereby the superintendent of the island of Cuba and both Floridas. The Indian chiefs said, in substance, they were satisfied, and would comply with the governor's request, and not molest or disturb the white men. And this deponent further saith that this talk was carried on with the usual formalities observed on such occasions, the King's interpreter, Antonio Huertas, being present, and interpreting. And this deponent further saith, that the Indians have

abandoned the Alachua ever since the year one thousand eight hundred and thirteen: since that time having no regular settlements on those lands. This information is obtained by means of the office of chief clerk to the governor, and not from this deponent's having actually been on the lands.

Documents offered in evidence on the part of the United States in this cause, and filed herein, to wit:

No. 1.

Offered in evidence on the part of the United States, and objected to by the counsel for claimant, and objection sustained by the court, but admitted to be placed on file that it may be incorporated in the record in case of an appeal, to wit:

SUPERIOR COURT, *East Florida.*

THE UNITED STATES, *ads.* MOSES E. LEVY. } Land claim, 65,800 acres.

The following are copies of translations of documents offered in evidence on the part of the United States in the case of Domingo Fernandez vs. the United States; and also offered in evidence on the part of the said United States in this case, as follows, to wit:

No. 1.

Translation.

Letter from Las Casas to Governor of Florida.

I apprehend all which your lordship expresses in your two official notes of the 12th and 16th of August last, No. 580 and 581; and as to what relates to the displeasure which Payne's brother had manifested at the entrance in the bay of Tampa of a vessel of ours with an officer, it does not agree with the favorable dispositions which the nation had manifested in the same bay towards the officer and the captains of the two schooners which afterwards established themselves there at the request of your lordship, as all the Indians who repaired to the vicinity of Tampa not only appeared to be well pleased during the residence in that bay of the officer whom I commissioned to examine it, but also constantly expressed their wish that he should return, eagerly inquiring of the captains who are there at present, when he would realize his return, which he offered to them, according to the assurances of the two skippers, witnesses, who themselves have received from the Indians the most friendly treatment, the particular being untrue that they had refused provisions to to Captain Pesse, whom I supposed to be Captain Jose Bermudez, who happened to be in this city when I received the official communication of your lordship, No. 580, and who assured me that he did not receive such a denial, from the Indians, neither did he perceive any thing extraordinary in their demeanor; such contradictory conduct ought not to cause any surprise on the part of the Indians, as it is always directed to the purpose of obtaining gifts, and adapting their speeches to their object, they would appear complaining, in order to find your lordship more disposed to satisfy them wuith bounties; but on the question of forming or not form an establishment in that bay, I would wish that your lordship had answered that, if such an establishment had not been effected, it might be, because it would not have been convenient to make one until now; inasmuch as whenever the king sees fit to do so in that or any other bay, there can be no obstacle to his using his incontestable right, because the same nations by former treaties did cede all the

land on the coast, until the points which the salt water reaches, to the king of England, who was then in possession of the two Floridas, which have been transferred to the dominion of the king of Spain with all the rights which the king of England had. Your lordship knows those treaties, and it is necessary that those points be frequently repeated to the Indian chiefs, as well as some points contained in the treaty of Pensacola, to the Indians, whose public right is traditional, and as they have no knowledge of writing, the treaties which they would not see carried into effect, would be effaced from their memory, and they would only recollect the article of gifts and others which interest them, and which they have frequently in sight. Therefore, I recommend to your lordship that you and your subalterns press those points on the Indians whenever an opportunity to do so is offered, in order that they become familiarized with them, and in order that they habituate themselves to consider as ours all the territory of the coast, and all the harbors it contains: May God have you in his holy keeping for many years. Havana, 6th October, 1794.

LUIS DE LAS CASAS.

His excellency THE GOVERNOR OF FLORIDA.

No. 2.

Translation.

Letter from the Governor of Florida to Las Casas.

Most Excellent Sir: Under date of the 24th of January last, No. 97, I informed your excellency of the necessity of apprehending an individual named Diego Allen, who apparently suspected my intention, and, more probably, being conscious of his delinquency, retired, when I was about laying hold of him, to a place which is doubted whether it belongs to us, or whether it is one of those parts which the Indians call theirs.

The fact of the savages having located themselves on the eastern side of the river St. Johns, and even in the vicinity of river Musquito, and particularly the subsisting encroachment of the adventurer Bowels, together with the circumstance that, from the beginning of this present month, the Indians and the Americans have concurred to determine the dividing line of their respective possessions in conformity to the treaty entered into in the year last past, between the President of the United States and the mongrel Alexander McGillvray, and also the royal determination to promote the colonization of this province, render it essentially necessary that we also proceed to the regulation of our boundaries with the Indians, taking as a basis that all the lands ceded by them to the English in the two Floridas correspond at this day to Spain, and that we convoke to that effect the said mongrel and a competent number of the Indian chiefs in the place, and with the presence, of such persons as your excellency will judge convenient. May God preserve your excellency many years. St. Augustine of Florida, 6th September, 1791.

His excellency Don LUIS DE LAS CASAS.

No. 3.

Translation.

Letter from the Governor of Florida to Las Casas.

Most Excellent Sir: In answer to the letter of your excellency of the third of the month last past, I say that, by the most probable information which I have been able to acquire, it appears that the place which the Englishman Sarles Lewis inhabits,

is not the Gega which your excellency mentions in your letter of the 8th of November. Said river, if such a name can be given to stagnant waters which have no outlet to the sea, except very seldom, and when it happens it is only in consequence of excessive freshets, is distant about sixteen leagues south of Indian river, and that on which resides the Englishman, is called New river, at the mouth of which was seen, in November last, the sloop which is alluded to in my official communication No. 302, of the 26th September preceding.

In relation also to the inquiry which your excellency has been pleased to make, whether the settlement of Lewis is situated within the territory appertaining to the King, I have to say, that, by the regulation of boundaries agreed upon between the British and the Indians in the year '65, and I apprehend that the same agreement ought to govern us, it appears that the latter, besides the territory between the sea and the bend formed by the river St. John, and also the lands between that and St. Marys, ceded to the former, throughout the whole circuit of the Peninsula, the lands on the coast as far as the tide reaches—that is to say, as far up the rivers as where fresh water mix with those of the sea; and from the information I have received, the Englishman resides still farther in the interior, as his habitation is fifteen miles distant from the sea, and salt waters do not extend more than ten, and at most eleven miles from the sea coast in that place; but on the other side it appears that said settlement is situated in the territory of his Majesty, as, according to the topographical plat which I have, it is comprehended within the said bend between the sea and Mayaco lake, which undoubtedly forms a part of the river St. Johns; and there is an old tradition, and the English entertain the same opinion, that the waters of the said lake communicate with the Mexican Gulf in the bay of Juan Ponce de Leon.

In reference to the impression which the arrest of Sarles might make on the Indians, I think that his intimate friends would resent it at first, but they would gradually cool, as it happened when Bowles was arrested, who undoubtedly had infinitely more influence than Lewis has with them. After all, it might be convenient to treat of this particular with the chiefs of the nation, who, if some gifts were made, would be apt to offer themselves to deliver him up.

I am meditating to expedite a vessel with some people I could depend upon, expressly to ascertain satisfactorily the residence and circumstances of the said Englishman, under a pretence of taking in water and hunting for deer and turkeys, but without molesting him in the least, until I receive further resolutions from your Excellency.

May God preserve your Excellency many years.

ST. AUGUSTINE OF FLORIDA, 13*th January*, 1793.

Most Excellent Sir DON LUIS DE LAS CASAS.

No. 4.

Translation.

Letter from Governor of Florida to Las Casas.

Most Excellent Sir: The annexed copy will inform your Excellency of what has occurred with the Indians, and of the cause of the detention of this official communication; notwithstanding I am anxious they should be remitted promptly, every thing is disposed to ———.

The two brothers of Payne did actually arrive here on the 14th, in the morning; they got drunk immediately, and, until yesterday evening, they

were unable to speak. I have conversed with them leisurely, and seriously charged them with their remissness in reciprocating our friendship, with the ill-timed occurrence of the detention of the packets, &c ; and I concluded with threatening them, that, in case they would not give me satisfaction, by way of retaliation they would not meet here, in future, the good treatment, the welcome and gifts, they had experienced until now.

They endeavored to satisfy me, by stating that their brother was sorry for what had happened, and which had been occasioned by two old men who were persuaded by reports current among them, that the mission of the man I had sent was solely to explore the land with a view, on the part of the Spaniards, to erect a fortress, and take possession of that part of the country, to which effect they had sent last year to reconnoitre the said district. I persuaded them of their error, and that in case such an attempt were made, it would be made with a view to put there a store, in order to facilitate the trade which they wished so much to establish, and not with the view of usurpating the lands which we have in abundance, and it would be always with their knowledge: whereupon they offered various arguments, which I found some difficulty in rebutting, because, in truth, I had no knowledge of the intentions of the superior Government in sending to Tampa the vessel and the officer of whom they complain, and wishing not to incur the danger of contradiction, and endeavored to extricate myself from the difficulty by telling them that when they heard similar reports, they had only to inquire of me the origin of them, and I would always tell them the truth; with which they were satisfied, and they concluded in saying that, although the establishment of a store in that place would accommodate them, yet as many people and much cattle would be connected with it, as is the case with the Apalache store, it would occupy much of their hunting ground, and this would be inconvenient to them.

Finally, they manifested much sorrow for the prejudice which had been occasioned by the return of the packets, desiring that I should remit the same again, and offering to give me an Indian upon whom I could depend, who would accompany the bearer, and promising that they would duly arrive, as well as any other I might wish to send. I embraced the offer, as it is the most expeditious way, and as it is important that these acts be not lost, nor the little book which I send with a confidential note, and of which I have no duplicate, and because the departure of Dominick will be still delayed, and because this season renders such a voyage laborious; but I believe that, in future, it will be well to dispense with this course, at least from mid October forward, which is the season of northers and of short voyages, as I observe in the Indians a degree of irresolution and mistrust which did not exist before, and I know not whether it is occasioned by the influence of Seagrove, or by the introduction among them of General Clarke, whose designs are spoken of in a various manner, or whether I ought to attribute it to some other cause; time, and the return of my commissioners, Hambly, who should have been here before this time, will bring some discoveries to us. After all, it appears to me that your Excellency may use the same mode of conveyance to send me your answers, and, as soon as I receive other intelligence, I will advise whether the two schooners ought to retire from there. This is my view of the matter, but your Excellency will judge of what is most convenient to do for the service of the King.

May God preserve you many years. St. Augustine of Florida, 16th August, 1794.

Most Excellent Sir, DON LUIS DE LAS CASAS.

No. 5.

Translation.

Letter from Governor of Florida to Las Casas.

The governor of Florida gives information of the return of the packets which had been forwarded by way of Tampa, and announces that they will be sent again by the same way as soon as possible, or by sea in the first safe vessel.

Most Excellent Sir: The total want of repairs in this schooner, as I report it in my preceding official note which your excellency will receive with this, has delayed her departure from day to day till this date, and has given time for the return of the man which arrived here yesterday night, and whom I have sent to Tampa with the interesting packets which I have also mentioned; that is to say, the original cause of the American prizes, &c.

The cause of this return has been this: on arriving with his commission as far as the village contiguous to the said bay, the man who was the bearer was not permitted by the Indians to go farther, notwithstanding his entreaties, and the mention he made of the importance of the papers. They founded their denial on the knowledge they had that an officer had been there some months ago to reconnoitre the land in order to erect a fort, and that is not a sign that we wish to keep peace with them; they said that if their chiefs had not been absent on their hunting parties when Don Juan McQueen came through that road, they would have caused him to retrograde, and they would have treated in the same manner the interpreter, Don Antonio Huertas, when I sent him with other packages; to which they added that, a few days ago, the Captain Pesse of the vessels which are in Tampa had been in their town soliciting provisions, which they refused, and they ordered him to go back to his vessel, and never return again; because they would not permit, in any manner whatever, that any body should travel from the coast here, and from here to the coast.

To-day or to-morrow I expect the brothers of the Indian Payne whom this carrier left on the road. I will endeavor to find out the origin of this occurrence, and if he assures me that there is no malice in it, and I suspect some, and if he is willing to accompany the bearer, I will forward the said papers again by the same road; otherwise, they will be carried by Don Domingo Martinelly, captain of the sloop which is getting ready: it is a good vessel and the captain is a very active and good pilot. It may be that I obtain their escape, which will be very fortunate, considering the great number of privateers.

I avail myself of this opportunity with the sole view of communicating this occurrence to your excellency, in case it happens that this little schooner arrives in safety.

May God preserve your excellency many years. St. Augustine of Florida, 12th of August, 1794.

Most Excellent Sir DON LUIS DE LAS CASAS.

No. 2.

Offered in evidence in this cause on the part of the United States, and objected to by counsel for claimant as irrelevant, and objection sustained by the court, but permitted to be placed on file that they may be incorporated in the record in case of appeal, to wit:

SUPERIOR COURT, *East Florida.*

THE UNITED STATES, *ads.* MOSES E. LEVY. } *Land claim,* 65,800 *acres.*

Copies of documents filed in the case of George J. F. Clarke against the United States for 16,000 acres of land, and offered in evidence in this case by the attorney of the United States as follows, to wit:

Translation.

Memorial of Clarke for grant of 16,000 acres.

Memorial to the Governor. Don George Clarke, a native of this province, with due respect, presents himself to your honor, and says that, having noticed the constant scarcity of sawed lumber in this province, and particularly at this town, which, in consequence of the scantiness of this indispensable material, has but half the population it ought to have; and induced, by the general advantages that may result from mills worked by animals over those worked by water, wind or fire, because they are less expensive, more secure and adapted to any station, he has accomplished one at this town, of his own invention and workmanship, which, with four horses, saws eight lines at a time, at the rate of two thousand superficial feet per day: therefore, he prays that your honor will be pleased to grant him a title of property to the quantity of land your honor had thought proper to assign to the water mill for their continued supply, forming a quantity equivalent to five miles square, which land he solicits on the western part of the St. Johns river, above Black creek, at the place entirely vacant, known by the name of White spring: he hopes to receive this grant from your honor's kindness, because by this proof of his industry, and labor, he has given to the public an invention that, by its expediency, simplicity, and cheapness, offers from this source of lumber the most considerable advantages not only to the royal revenue, but to the public also, by the labor of cutting, use, and commerce.

FERNANDINA, *March* 16, 1816.

P. D. For proof of what I have stated to your honor, I herewith present a certificate of the civil and military commander of this town, *ut supra.*

GEO. J. F. CLARKE.

Decree.

Grant to Clarke for 16,000 acres.

St. Augustine, April 3, 1816. This Government have granted lands to other individuals, inhabitants of this province, who have solicited them for the cutting of timber, and the use of the same for the saw-mills and machines that they intend to establish, but with the condition of being without effect until these establishments be made. And whereas Don George Clarke proves, by certificate of the commander of the town of Fernandina, that he has constructed an engine of great utility, that offers advantages to that settlement, which is the duty and interest of Government to promote, in compliance with royal orders despatched for that purpose, rewarding the industrious and laborious, as an example to encourage other inhabitants, and procure the increase of invention, it is granted to the aforesaid Don George Clarke the five miles square of land that he solicits, of which a title shall be issued, comprehending the place, and under the boundaries set forth in this petition, without injury to a third person.

COPPINGER.

TRANSLATION.

His excellency *the Governor:*

Memorial of Clarke for grant of 4,000 acres.

Don Jorge Clarke, with the greatest submission, appears before your excellency, and states that, by the certificate of Don Francisco Ribera, civil and military commandant, and sub-delegate of the royal revenue of the town of Fernandina, and of Don Philipe Roberto Younge, captain of the district of Fernandina, and commandant of the militia of that frontier; also, by the official notes of their lordships Don Juan José de Estrada and Don Sebastian Kindelan, who were governors of this province, which documents your petitioner presents, and solicits that they be returned to him, it is proved that, from the year one thousand eight hundred and twelve, until the present time, he has been commissioned, for want of an engineer, to superintend the works of fortification of the town of Fernandina, in which he has not only directed the erection of a line of four block-houses and one battery for the defence thereof, but he has also, for want of laborers who understood it, personally worked, and has kept employed in the said works, eight negroes belonging to him for more than one year; and has used, therefore, a great quantity of timber and other materials, without stipend, price, nor any gratification whatever, which may have been burdensome to the Treasury, as it appears by the accounts which have been liquidated from time to time. Therefore, your petitioner supplicates your excellency to be pleased to grant him four thousand acres of land, in absolute property, among those which are vacant and very remote from this city; that is to say: one thousand acres west of the Lake St. George, and at a place called Spring grove, bounding north on Spring creek, and east on the said lake, and on the other sides bounded by vacant lands; another tract of one thousand acres at the place known under the name of the Old plantation of MacDougal, in the vicinity of Hillsborough river, its survey commencing east of Turnbull's swamp, at a causeway, and running along the margin of the said swamp, north and westwardly, one hundred and eleven chains; and the remaining two thousand acres at the place called the Big Bend of Durbin's swamp, north of the point at which the royal road crosses the said swamp, and west of the Twenty-mile house; which favor he hopes to receive from the benevolent administration of your excellency: St. Augustine of Florida, on the second of May, one thousand eight hundred and sixteen.

JORGE J. F. CLARKE.

Decree.

Grant to Clarke of 4,000 acres.

St. Augustine of Florida, 3d May, 1816. The services of the petitioner being well known, and, in conformity of the sovereign's will, who requires that his faithful and loyal subjects be rewarded for those which they have rendered, I grant to him, without prejudice of a third party, the lands which he solicits in this petition, in absolute property; and, in consequence thereof, let the documents which he presents be returned, and let this expedient be given to him in order that it may serve him as a title in form.

COPPINGER.

No. 3.

The following seven documents were offered in evidence in this cause on the part of the United States, and objected to by the counsel for the claimant, and objection sustained by the court, but permitted to be placed on file, that they may be incorporated in the record in case of appeal; which objection of the claimant, and the decision of the court thereon, will be found at large in the decree of this court in this cause, hereinafter in this record set forth; which said documents are in the words and figures following, to wit:

No. 1.

Translation.

His excellency *the Governor:*

Memorial of Arredondo for grant of 1,000 acres.

Don Fernando de la Maza Arredondo, junior, an inhabitant and merchant of this place, with due respect, appears before your excellency and states, that, for the space of two years, he has dedicated himself to agriculture, with a large number of slaves whom he has acquired, but he has not been able to procure a piece of land with the right of ownership, for which reason he finds himself in the necessity to apply to your excellency for the grant of one thousand acres of land on the river Matanzas, which belonged formerly to the Englishman Long Clark, and are bounded north by vacant lands, west by a pine tract belonging to the royal domain, and south by a creek called Clark's creek, and east by the river Matanzas; which land has been of the public domain for many years: Therefore, your petitioner supplicates your excellency to be pleased to grant to him the said tract; which favor he hopes to receive from your excellency. St. Augustine of Florida, 4th of August, 1815.

FERNANDO DE LA MAZA ARREDONDO, JUNR.

Decree.

ST. AUGUSTINE OF FLORIDA, *9th of August*, 1815.

Let the interested party declare the number of slaves whom he possesses, and also their ages, in order to provide what is convenient in consequence thereof.

ESTRADA.

Account of slaves belonging to the petitioner, with their names and ages, to wit:

	Years.	Total.		Years.	Total.
Elsy,	28	1	Manuel,	23	1
Maria,	24	1	Boson,	30	1
Francisca,	22	1	Jany,	28	1
Tomas,	20	1	Juan,	12	1
José,	21	1	Ben,	10	1
Vicenta,	15	1	Santos,	8	1
Manuela,	23	1	Jack,	35	1
Carlos,	21	1	Pengui,	30	1
Juan de Dios,	14	1	Lucy,	14	1
Luis,	22	1	Manuel,	4	1

	Years.	Total.		Years.	Total.
Andres, - -	36 -	1	Cate, - - -	40 -	1
Catalina, - -	30 -	1	John, - - -	25 -	1
Juan, - - -	17 -	1	George, - -	28 -	1
Peter, - - -	30 -	1	James, - - -	35 -	1
Felis, - - -	25 -	1	Peter, - - -	60 -	1
Gualupe, - -	22 -	1	Jorge, - - -	60 -	1
Manuel, - -	2 -	1	Collo, - - -	25 -	1
Hendrick, - -	25 -	1	Boson, - - -	26 -	1
Jack, - - -	50 -	1			
		Total,			37

St. Augustine of Florida, 10th August, 1815.

F. M. ARREDONDO

To his excellency *the Governor:*

Don Fernando de la Maza Arredondo, junior, states to your excellency that, in consequence of your excellency's decree issued yesterday, he presents the account of his slaves; and, accordingly, your excellency will be pleased to order that in the place which he has indicated, the number of acres be given to him which corresponds to his slaves; which favor he hopes to receive from your excellency. St. Augustine of Florida, 10th of August, 1815.

FERNANDO DE LA MAZA ARREDONDO, JUNR.

Decree.

ST. AUGUSTINE OF FLORIDA, 17*th August*, 1815

Grant of 1,000 acres to Arredondo.

The annexed account being seen, I grant to the interested party the one thousand acres of land which he solicits, without prejudice to a third party; and they are those which correspond to him according to the number of persons composing his family, and to that of his slaves; and to this effect let the customary certificate be issued to him from the secretary's office.

ESTRADA.

No 2.

Translation.

Royal title to Arrodondo for 1,000 acres.

Don Jose Coppinger, lieutenant colonel of the royal armies, civil and military governor *pro tem.*, and chief of the royal domain of this place, andof the province thereof. Whereas, in a royal order of the twenty ninth of March, one thousand eight hundred and fifteen, his Majesty has been pleased to approve the favors and rewards proposed by my predecessor, Brigadier Don Sabastian Kindelan, for the officers and soldiers of the regular and of the militia corps of this province, who contributed to the defence thereof in time of rebellion, one of the said favors consisting in the distribution of lands in proportion to the number of persons whom each individual might have in his family: and whereas Don Fernando de la Maza Arredondo, junior, has presented himself, soliciting that the title of absolute property be issued to him for one thousand acres of land which this Government granted to him on the seventeenth of August, one thousand eight hundred and fifteen, on the margin of the river Matanzas, and which formerly belonged to the Englishman

Long Clark, bounding north by royal lands, west by a pine tract, south by a creek called Clark's creek, and east by the river Matanzas; I thought proper to accede to his petition by my decree of this day, because the petitioner was cultivating the said lands with a large number of slaves, and as he has erected thereon houses, and made other improvements, by which he has rendered himself entitled to the favors granted by the sovereign in his royal order communicated by the captain general of the island of Cuba and of the two Floridas, on the twenty-ninth of October, one thousand seven hundred and ninety, and because, moreover, the said lot of land corresponds to him and to his family in virtue of the mentioned royal disposition of the twenty-ninth of March, one thousand eight hundred and fifteen, as it appears more at large by the expedient instituted in relation to that subject, which expedient is deposited in the archives of the present notary: Wherefore, I have determined to grant, as in the name of his Majesty I do grant to the aforesaid Don Fernando de la Maza Arredondo, junior, the mentioned one thousand acres of land, without prejudice to a third party, in the place already indicated, for himself, his heirs, and successors, in absolute property, and to issue him, as I do hereby issue, the corresponding title, by which I divest the royal domain of the right and dominion which it had to the said tract, and I cede and transfer the same to the aforesaid Don Fernando de la Maza Arredondo, junior, his heirs and successors, in order that, in consequence thereof, they possess it as their own, use and enjoy it without any incumbrance whatever, with all its inlets, outlets, uses, customs, rights and services, which it has had, has, and which, in fact and of right, appertain and may relate to it, and in order that, if it is their will, they may sell, cede, transfer and alienate it, as may best suit them: to the whole of which I interpose my authority as far as I can, and of right ought, in virtue of the sovereign will. Given under my signature, and countersigned by the subscriber, notary *pro tem.* of the Government and of the royal domain, in this city of St. Augustine of Florida, on the seventh of March, one thousand eight hundred and sixteen.

JOSE COPPINGER.

By order of his lordship:

JUAN DE ENTRALGO,

Notary pro tem. of the Government and of the Royal Domain.

No. 3.

Translation.

His excellency *the Governor:*

Memorial of Arredondo for grant of 10,000 acres.

Don Fernando de la Maza Arredondo, junior, an inhabitant of this city, with due respect, states to your excellency that, since the appearance of the insurrection of 1812, he took arms in hand, and was appointed commandant of a detachment of cavalry to reconnoitre the enemies, and made one of them a prisoner when they afterwards presented themselves in sight of this place, after which your petitioner continued his services in the militia, and patroled in the night season when vigilance and the defence of this place required it, without pay, ration, nor any emoluments whatever; at which epoch he rendered other important services to the Government, namely, he supplied the garrison with meats and other provisions, as the whole is known to your ex-

cellency; and as his Majesty, in his royal order of the 29th March, 1815, has been pleased to reward, with distribution of lands, the faithful inhabitants who contributed to the defence of this province, and the narrator being one of them; and, moreover, as he is one of those whom the laws and the royal provisions recommend to be attended to with distinction, due attention being paid to the merit and quality of services rendered; and, in addition to all the circumstances which concur in his favor, there is a weighty one, that of being a native of this country, settled in it, and possessing upwards of eighty slaves: Therefore, your petitioner supplicates your excellency to be pleased to grant to him, in absolute property, ten thousand acres of land, situated as follows: five thousand of them in a wood situated about five or six miles distant, eastwardly from Spring garden; and the other five thousand west of the river St. John, in the vicinity of a creek known under the name of Black creek, near Flemming's island, and the pond called Doctor's lake—the titles of property of which will be granted and delivered as soon as the surveyor shall have performed the survey and delineation of the two tracts, and presented the corresponding plats which will designate and mark out accurately the situation and boundaries; which favor he hopes to receive from the justice of your excellency. St. Augustine of Florida, 18th March, 1817.

FERNANDO DE LA MAZA ARREDONDO, JUNR.

Decree.

ST. AUGUSTINE, *20th March*, 1817.

Grant to Arredondo of 10,000 acres.

In consideration of the services rendered and alleged by Don Fernando de la Maza Arredondo, junior, which are certain and notorious, and the exercise of my authority, and in conformity to the intentions and wishes of his Majesty, to reward his faithful subjects, and in compliance to what the laws recommended in similar cases, and in attention to the considerable number of slaves which the petitioner possesses, I have determined to grant, as in the name of his Majesty, and of his royal justice which I administer I do grant, in absolute property and dominion, from this time forward, to the said Don Fernando de la Maza Arredondo, the ten thousand acres of land which he solicits, in the places which he designates, without prejudice to a third party; for which the corresponding titles of the ceded property will be issued to him as soon as the survey and demarcation thereof will have been made by a surveyor; and, in the mean time, this decree will serve him as an equivalent, and it will be deposited in the notary's office, from which will be issued a certified copy for his security.

COPPINGER.

Before me:

JUAN DE ENTRALGO,
Notary of Govt.

No. 4.

TRANSLATION.

Royal title to Arredondo for 4,000 acres.

Don Jose Coppinger, colonel of the national armies, military governor, civil chief, and sub delegate of the national domain of this place, of St. Augustine of Florida, and the province thereof: Whereas, in a royal order of the twenty-n

Long Clark, bounding north by royal lands, west by a pine tract, south by a creek called Clark's creek, and east by the river Matanzas; I thought proper to accede to his petition by my decree of this day, because the petitioner was cultivating the said lands with a large number of slaves, and as he has erected thereon houses, and made other improvements, by which he has rendered himself entitled to the favors granted by the sovereign in his royal order communicated by the captain general of the island of Cuba and of the two Floridas, on the twenty-ninth of October, one thousand seven hundred and ninety, and because, moreover, the said lot of land corresponds to him and to his family in virtue of the mentioned royal disposition of the twenty-ninth of March, one thousand eight hundred and fifteen, as it appears more at large by the expedient instituted in relation to that subject, which expedient is deposited in the archives of the present notary: Wherefore, I have determined to grant, as in the name of his Majesty I do grant to the aforesaid Don Fernando de la Maza Arredondo, junior, the mentioned one thousand acres of land, without prejudice to a third party, in the place already indicated, for himself, his heirs, and successors, in absolute property, and to issue him, as I do hereby issue, the corresponding title, by which I divest the royal domain of the right and dominion which it had to the said tract, and I cede and transfer the same to the aforesaid Don Fernando de la Maza Arredondo, junior, his heirs and successors, in order that, in consequence thereof, they possess it as their own, use and enjoy it without any incumbrance whatever, with all its inlets, outlets, uses, customs, rights and services, which it has had, has, and which, in fact and of right, appertain and may relate to it, and in order that, if it is their will, they may sell, cede, transfer and alienate it, as may best suit them: to the whole of which I interpose my authority as far as I can, and of right ought, in virtue of the sovereign will. Given under my signature, and countersigned by the subscriber, notary *pro tem.* of the Government and of the royal domain, in this city of St. Augustine of Florida, on the seventh of March, one thousand eight hundred and sixteen.

JOSE COPPINGER.

By order of his lordship:

JUAN DE ENTRALGO,
Notary pro tem. of the Government and of the Royal Domain.

No. 3.

Translation.

His excellency *the Governor:*

Memorial of Arredondo for grant of 10,000 acres.

Don Fernando de la Maza Arredondo, junior, an inhabitant of this city, with due respect, states to your excellency that, since the appearance of the insurrection of 1812, he took arms in hand, and was appointed commandant of a detachment of cavalry to reconnoitre the enemies, and made one of them a prisoner when they afterwards presented themselves in sight of this place, after which your petitioner continued his services in the militia, and patroled in the night season when vigilance and the defence of this place required it, without pay, ration, nor any emoluments whatever; at which epoch he rendered other important services to the Government, namely, he supplied the garrison with meats and other provisions, as the whole is known to your ex-

cellency; and as his Majesty, in his royal order of the 29th March, 1815, has been pleased to reward, with distribution of lands, the faithful inhabitants who contributed to the defence of this province, and the narrator being one of them; and, moreover, as he is one of those whom the laws and the royal provisions recommend to be attended to with distinction, due attention being paid to the merit and quality of services rendered; and, in addition to all the circumstances which concur in his favor, there is a weighty one, that of being a native of this country, settled in it, and possessing upwards of eighty slaves: Therefore, your petitioner supplicates your excellency to be pleased to grant to him, in absolute property, ten thousand acres of land, situated as follows: five thousand of them in a wood situated about five or six miles distant, eastwardly from Spring garden; and the other five thousand west of the river St. John, in the vicinity of a creek known under the name of Black creek, near Flemming's island, and the pond called Doctor's lake—the titles of property of which will be granted and delivered as soon as the surveyor shall have performed the survey and delineation of the two tracts, and presented the corresponding plats which will designate and mark out accurately the situation and boundaries; which favor he hopes to receive from the justice of your excellency. St. Augustine of Florida, 18th March, 1817.

FERNANDO DE LA MAZA ARREDONDO, JUNR.

Decree.

ST. AUGUSTINE, *20th March*, 1817.

Grant to Arredondo of 10,000 acres.

In consideration of the services rendered and alleged by Don Fernando de la Maza Arredondo, junior, which are certain and notorious, and the exercise of my authority, and in conformity to the intentions and wishes of his Majesty, to reward his faithful subjects, and in compliance to what the laws recommended in similar cases, and in attention to the considerable number of slaves which the petitioner possesses, I have determined to grant, as in the name of his Majesty, and of his royal justice which I administer I do grant, in absolute property and dominion, from this time forward, to the said Don Fernando de la Maza Arredondo, the ten thousand acres of land which he solicits, in the places which he designates, without prejudice to a third party; for which the corresponding titles of the ceded property will be issued to him as soon as the survey and demarcation thereof will have been made by a surveyor; and, in the mean time, this decree will serve him as an equivalent, and it will be deposited in the notary's office, from which will be issued a certified copy for his security.

COPPINGER.

Before me:

JUAN DE ENTRALGO,
Notary of Govt.

No. 4.

TRANSLATION.

Royal title to Arredondo for 4,000 acres.

Don Jose Coppinger, colonel of the national armies, military governor, civil chief, and sub delegate of the national domain of this place, of St. Augustine of Florida, and of the province thereof: Whereas, in a royal order of the twenty-ninth of

March, one thousand eight hundred and fifteen, his Majesty has been pleased to approve the favors and reward proposed by my predecessor, Brigadier Don Sebastian Kindelan, for the officers and soldiers of the regular and of the militia corps, and other individuals of this province, who contributed to the defence thereof in time of rebellion, one of the said favors consisting in the distribution of public lands, and in attention that Don Fernando de la Maza Arredondo, junior, an inhabitant of this city, has represented to me the distinguished and extraordinary services which he has rendered in the defence of this place, and in providing meats and other provisions for the support of the garrison in the calamitous times of invasion, as he has exhibited in his memorial of the eighteenth of March, one thousand eight hundred and seventeen; in consideration of which, and of the notoriety of what represents, and in virtue of the authority which I exercise, I have thought proper, in my decree of the twentieth of the same month, to accede to his petition, and to grant to him, as I did grant, ten thousand acres of land in distinct places, one of them being the following tract: four thousand acres situated west of the river St. John, at a place known in English under the name of Black creek, and bounded by another called the Governor, the dimensions of which are known in the following form: The first line runs south forty-five degrees west, measuring one hundred and sixty chains, and terminating at a pine marked ≡. The second line runs south, forty five degrees east measures two hundred and fifty chains, and terminates at a cypress marked ≡, as it appears more at large by the plat made by the surveyor Don Andres Burgevin, under date of the twenty-fifth of July last, in consequence of my decree of the twentieth of August, of one thousand eight hundred and nineteen, which qualified him for that purpose, and in virtue of the provisions of the mentioned decree of concession of the twentieth of March, one thousand eight hundred and seventeen, the whole together forming the expedient which is deposited in the archives of the present notary: Therefore, and in attention to said recommendable services, and in conformity to the will of the sovereign, and to the provisions of the laws for rewarding with distinction those who deserve it, in proportion to the quality of the services rendered, and to that of the persons who render them, I have determined to grant, as in the name of his Majesty, and of his royal justice which I administer, I do grant to Don Fernando de la Maza Arredondo aforesaid, the mentioned four thousand acres of land in the indicated place, without prejudice to a third party, for himself, his heirs, and successors, in absolute property; and to issue to him, as I do hereby issue, the corresponding title, by which I divest the public domain of the right and dominion which it had to the said tract, and I cede and transfer the same to the mentioned Don Fernando de la Maza Arredondo, junior, his heirs and successors, in order that, in consequence thereof, they possess it as their own, use and enjoy it without any incumbrance whatever, with all its inlets, outlets, uses, customs, rights and services, which it has had, has, and which in fact and of right appertain and may relate to it, and in order that, if it is their will, they may sell, cede, transfer, and alienate it as may best suit them. To the whole of which I interpose my judicial authority as far as I can and of right ought, in virtue of what has been exposed, and of the sovereign will. Given under my signature, and countersigned by the subscribed notary of the Government and of the royal domain, in

this city of St. Augustine of Florida, on the ninth August, of one thousand eight hundred and twenty.

JOSE COPPINGER.

By order of his Lordship:

JUAN DE ENTRALGO,
Notary of the Govt. and of the Royal Domain.

No. 5.

Translation.

Royal title to Arredondo for 1,500 acres.

Don Jose Coppinger, colonel of the national armies, military governor, civil chief, and sub-delegate of the public domain in this city of St. Augustine, and in the province thereof: Whereas, in a royal order of the twenty-ninth of March, one thousand eight hundred and fifteen, his Majesty has been pleased to approve the favors and rewards proposed by my predecessor, Brigadier Don Sebastian Kindelan, for the officers and soldiers of the regular and of the militia corps, and other individuals of this province who contributed to the defence thereof in time of rebellion—one of said favors consisting in the distribution of vacant lands, and in attention that Don Fernando de la Maza Arredondo, junior, an inhabitant of this city, has represented to me the distinguished and extraordinary services which he has rendered, both in the defence of this place and in providing with meats and other provisions for the support of the garrison, and others employed in the services thereof, in the calamitous times of invasion, as he has exhibited in his memorial bearing date of the eighteenth of March, one thousand eight hundred and seventeen: in consideration of which, as what is represented therein is of public notoriety, and in virtue of the authority which I exercise, I thought proper in my decree of the twentieth of the same month to accede to his request, and to grant to him, as I did grant, ten thousand acres of land in distinct places, one of which is as follows: one thousand and five hundred acres situated at the distance of about five miles east of Spring garden, the dimensions of which are as follows: The first line runs south, eighty degrees east; it commences at a pine marked A, and terminates at another marked =, and contains one hundred chains. The second line runs north, ten degrees east; it commences at the said last pine, and terminates at another with the same mark, and measures one hundred and fifty chains. The third line runs north, eighty degrees west; it commences at the last pine at which terminates the preceding line, and ends at a stake, and measures one hundred chains. The fourth line runs south, ten degrees west; it commences at the said stake, and terminates at the mentioned pine marked A, and measures one hundred and fifty chains, as it appears more at large by plat drawn by the surveyor Don Andres Burgevin, bearing date the twenty-fifth of July last past, in consequence of my decree of the twentieth of August, one thousand eight hundred and nineteen, by which I qualified him to that effect, and in virtue of what was provided by the mentioned decree of concession of the twentieth of March, one thousand eight hundred and seventeen, the all of which, together united, forms the expedient which is deposited in the archives of the present notary. Wherefore, and in attention to the said recommendable services, in accordance with the will of the sovereign, and with what the laws enjoin in relation to rewarding with distinction those who are entitled to rewards, in

proportion of the quality of services rendered, and to that of the persons who render them, I have thought proper to grant, as I do in the name of his Majesty, and of his royal justice which I administer, grant to the aforesaid Don Fernando de la Maza Arredondo, junior, the mentioned one thousand five hundred acres of land in the indicated place, without prejudice to a third party, for himself, his heirs and successors, in absolute property; and to issue to him, as I do hereby issue, the corresponding title, by which I divest the public domain of the right and dominion which it had to the said tract, and I cede and transfer the same to the mentioned Don Fernando de la Maza Arredondo, junior, his heirs and successors, in order that, in consequence thereof, they possess it as their own, use and enjoy it without any incumbrance whatever, with all its inlets, outlets, uses, customs, rights, and services which it has had, has, and which in fact and of right appertain and may relate to it; and in order that, if it is their will, they may sell, cede, transfer, and alienate it, as may best suit them. To the whole of which I interpose my judicial authority, as far as I can and of right ought, in virtue of what has been exposed, and of the sovereign will. Given under my signature, and countersigned by the subscribed notary of the Government and of the public domain, in this city of St. Augustine of Florida, on the ninth of August, one thousand eight hundred and twenty.

JOSE COPPINGER.

By order of his Lordship:

JUAN DE ENTRALGO,

Notary of the Govt. and of the Public Domain.

No. 6.

Translation.

Royal Title to Arredon, for 500 acres.

Don Jose Coppinger, colonel of the national armies, military governor, civil chief, and sub-delegate of the public domain, in this city of St. Augustine of Florida, and in the province thereof: Whereas, in a royal order of the twenty-ninth of March, one thousand eight hundred and fifteen, his Majesty has been pleased to approve the favors and rewards proposed by my predecessor, Brigadier Don Sebastian Kindelan, for the officers and soldiers of the regular and militia corps, and other individuals of this province, who contributed to the defence thereof in time of rebellion—one of the said favors consisting in the distribution of lands which are vacant; and as Don Fernando de la Maza Arredondo junior, an inhabitant of this city, has represented to me the distinguished and extraordinary services which he has rendered both in defence thereof, and providing with meats and other provisions the garrison and others employed in the calamitous times of invasion, as he has exhibited it in his memorial of the eighteenth of March, one thousand eight hundred and seventeen; in consideration of which all that which is therein represented being notorious, and in virtue of the authority which I exercise, I thought proper, in my decree of the twentieth of the same month, to accede to his petition and to grant to him, as I did grant, ten thousand acres of land in distinct places, one of them being as follows: Five hundred acres situated at about the distance of five miles east of Spring garden; the first line runs north sixty degrees east: it commences at a pine marked X, and terminates at a stake, and measures fifty-eight chains. The second line runs north thirty degrees west: it commences at the said stake, and terminates at another, and measures one

hundred and fifteen chains. The third line runs south sixty degrees west: it commences at this last mentioned stake, and terminates at another, and measures thirty-one chains; and the fourth line runs south fifteen degrees east: it commences at the stake at which terminates the preceding line, and ends at the mentioned pine, and measures one hundred and twenty chains, as it appears more at large by plat drawn by the surveyor Don Andres Burgevin, bearing date the twenty-fifth of July last past, in consequence of my decree of the twentieth of August, one thousand eight hundred and nineteen, by which I qualified him to that effect; and in virtue of what was provided by the mentioned decree of concession of the twentieth of March, one thousand eight hundred and seventeen, the whole of which forming the expedient which is deposited in the archives of the present notary: Wherefore, and in attention to said recommendable services, and in conformity to the will of the sovereign, and to the provisions of the laws enjoining to reward with distinction those who are entitled to rewards, in proportion to the quality of the said services, and to that of the persons who render them, I have thought proper to grant, as in the name of his Majesty, and of his royal justice which I administer, I do grant to the aforesaid Don Fernando de la Maza Arredondo, junior, the mentioned five hundred acres of land, in the indicated place, without prejudice to a third party, for himself, his heirs and successors, in absolute property, and to issue to him, as I do hereby issue, the corresponding title by which I divest the public domain of the right and dominion it had to the said tract; and I cede and transfer the same to the mentioned Don Fernando de la Maza Arredondo, junior, his heirs and successors, in order that, in consequence thereof, they possess it as their own, use and enjoy it without any incumbrance whatever, with all its inlets, outlets, uses, customs, rights and services, which it has had, has, and which, in fact and of right, appertain and may relate to it; and in order, if it is their will, they may sell, cede, transfer and alienate it, as may best suit them. To the whole of which I interpose my judicial authority as far as I can, and of right ought, in virtue of what has been exposed, and of the sovereign will. Given under my signature, and countersigned by the subscriber, notary of the Government and of the public domain, in this city of St. Augustine of Florida, on the ninth of August, one thousand eight hundred and twenty.

By order of his Lordship: JOSE COPPINGER.

JUAN DE ENTRALGO,
Notary of the Govt. and of the Public Domain.

No. 7.

Translation.

Royal title to Arredondo for 4,000 acres.

Don José Coppinger, colonel of the national armies, military governor and subdelegate of the public domain in the city of St. Augustine, and in the province thereof: Whereas, in a royal order of the twenty-ninth of March, one thousand eight hundred and fifteen, his Majesty has been pleased to approve the favors and rewards proposed by my predecessor, Brigadier Don Sebastian Kindelan, for the officers and soldiers of the regular and the militia corps, and for other individuals of this province, who contributed to the defence thereof in time of rebellion: one of the said favors consisting in the distribution of vacant lands; and in attention that Fernando de la Maza Arredondo, junior, an inhabitant of this city, has

exhibited to me the distinguished and extraordinary services which he has rendered, both in the defence of this place, and in providing meats and other provisions for the support of the garrison and others employed in the service thereof, in the calamitous times of invasion, as it is represented in his memorial of the eighteenth of March, one thousand eight hundred and seventeen; in consideration of which, all what is represented therein being of public notoriety, and in virtue of the authority which I exercise, I thought proper, in my decree of the twentieth of the same month, to accede to his petition, and grant to him, as I did grant, ten thousand acres of land in distinct places, one of them being the following: Four thousand acres situated about five miles east of Spring garden, the dimensions of which are known under this form: the first line commences at the head of a wood, and runs south sixty degrees west, and measures one hundred chains, terminating at a stake. The second line runs south thirty degrees east; it contains one hundred and five chains, and terminates also at a stake. The third line runs north sixty degrees east; it measures two hundred and thirty five chains and twenty links, and terminates at a pine marked =. The fourth line runs north thirty degrees west; it measures two hundred and twenty chains, and terminates at a pine marked $\times\times$. The fifth line runs south sixty degrees west; it measures one hundred and thirty-five chains and twenty links, and terminates at a stake. The sixth line runs south thirty degrees east; it measures one hundred and fifteen chains, and terminates at the head of the wood aforesaid, as it appears more at large in the plat drawn by the surveyor, Don Andres Burgevin, bearing date of the twenty fifth of July last past, in consequence of my decree of the twentieth of August, one thousand eight hundred and nineteen, by which I qualified him to that effect, and in virtue of what was provided by the mentioned decree of concession of the twentieth of March, one thousand eight hundred and seventeen; the whole of which forming together the expedient which is deposited in the archives of the present notary. Wherefore, and in consideration of the said recommendable services, in accordance with the will of the sovereign, and with what the laws enjoin in relation to rewarding with distinction those who are entitled to rewards, in proportion to the quality of services rendered, and to that of the persons who render them, I have determined to grant, as in the name of his Majesty, and of his royal justice which I administer, I do grant to the aforesaid Don Fernando de la Maza Arredondo, junior, the mentioned four thousand acres of land in the indicated place, without prejudice to a third party, for himself, his heirs, and successors, in absolute property, and to issue to him, as I do hereby issue, the corresponding title, by which I divest the public domain of the right and dominion which it had to the said tract, and I cede and transfer the same to the mentioned Don Fernando de la Maza Arredondo, junior, his heirs and successors, in order that, in consequence thereof, they possess it as their own, use and enjoy it without any incumbrance whatever, with all its inlets, outlets, uses, customs, rights, and services, which it, has had, has, and which of fact and of right appertain and may relate to it, and in order that, if it is their will, they may sell, cede, transfer, and alienate it as may best suit them. To the whole of which I interpose my judicial authority as far as I can, and of right ought, in virtue of what has been exposed, and of the sovereign will.

Given under my signature, and countersigned by the subscribed notary of

the Government and of the public domain, in this said city of St. Augustine of Florida, on the ninth of August, one thousand eight hundred and twenty.

JOSE COPPINGER.

By order of his Lordship:

JUAN DE ENTRALGO,

Notary of the Government and of the Public Domain.

The foregoing seven documents, numbered from 1 to 7 inclusive, are copies of translations made by the translator and interpreter of this court from copies furnished and duly certified by the keeper of the public archives for East Florida.

Testimony of witnesses, taken offered, and received in evidence in this case, on behalf of the said United States, as follows, to wit:

No. 1.

DISTRICT OF EAST FLORIDA, *Superior Court, May term,* 1832.

THE UNITED STATES, *ads.* MOSES E. LEVY. } *Claim for* 65,800 *acres of land.*

Interrogatories to Antonio Alvarez.

Interrogatories to be propounded to Antonio Alvarez, a witness to be sworn and examined on behalf of the United States before Elias B. Gould, esquire, presiding justice of St. John's county.

First. Did you or not hold some office, or act as clerk in some office, under the Spanish Government of East Florida, which had some relation to the granting of the public lands? If you did, when, how long, and what office?

Second. Are you or not now the keeper of the public archives in St. Augustine? If you are, state how long you have been so.

Third. Do you or do you not known one George J. F. Clarke? If you do, please to state how long you have known him, and what offices, if any, he held under the Spanish Government of East Florida, and particularly whether all the grants of land made by that Government in East Florida to George J. F. Clarke, were or were not made to the same person?

Fourth. Do you know one Pedro Miranda? If you do, please to state his age, and how long you have known him, and what office or offices, if any, he held under the Spanish Government of East Florida, and particularly whether all the grants of land made by that Government in East Florida to Pedro Miranda, were or were not made to the same Pedro Miranda?

Fifth. Does or does not the same Pedro Miranda claim a tract of 368,640 acres of land at Tampa bay, in East Florida, alleging that it was granted to him by Governor White for services rendered to said Government?

Sixth. Did you or did you not know one Antonio Huertas? If you did, please to state whether he was a native of Florida, and a Spaniard; and, if he was not born in East Florida, state when he came to said province, as far as you know; and particularly whether all the grants of land made in East Florida to Antonio Huertas by the Spanish Government, were or not made to the same identical Antonio Huertas?

Seventh. Did you or not know one Fernando de la Maza Arredondo, junior? If you did, please to state whether he was or not a Spaniard, and a native of Florida; and particularly whether all the grants of land made in

East Florida by the Spanish Government thereof to Fernando de la Maza Arredondo, junior, were or were not made to the same identical Fernando de la Maza Arredondo, junior?

THOS. DOUGLASS, *U. S. Atty.*

[Here follows an interrogatory to Jos. B. Lancaster, which has been erased.]

The above interrogatory to Joseph B. Lancaster is stricken out, because the petitioner admits that the tract of land therein mentioned is twenty-five miles in a direct line west of the St. Johns river, in the district of country called Alachua.

JNO. DRYSDALE, *Pet. Sol.*

SUPERIOR COURT, *District of East Florida.*

THE UNITED STATES *ads.* MOSES E. LEVY. } *Land claim* 65,800 *acres.*

Answers of Anto. Alvarez. The answers of Antonio Alvarez to the interrogatories propounded to him in the above cause; the said Alvarez being first duly sworn:

To the first interrogatory, witness answers that he was clerk in the office of Government secretary from the year 1807 to 1821, with two short intervals.

Second. Witness is and has been so since 1829.

Third. Witness has known Mr. Clarke ever since he has had any recollection. He held the office of surveyor general, and was judge also of the St. Mary's district; and he held other commissions, the nature of which witness does not now recollect. All the grants made to George J. F. Clarke were made to the same person.

Fourth. Witness has known Mr. Miranda ever since he has had a recollection of any thing. He does not know his age. He held the office of second, and afterwards first pilot of the Government, for the bar of St. Augustine. He also held the office of harbor-master for this port and of Fernandina. Grants of land made to Pedro Miranda, were made to the same person of whom witness has reference.

Fifth. Witness answers this interrogatory in the affirmative.

Sixth. Witness knew Antonio Huertas, and for the same length of time that he knew Clarke and Miranda. He was from Old Spain; but when he came to Florida is beyond witness's recollection. All the grants of land in East Florida were made to the said Antonio Huertas.

Seventh. Witness knew said Arredondo. He was a native of Florida. All grants of land made to Fernando de la Maza Arredondo, junior, were made to the same individual referred to in this interrogatory.

ANTONIO ALVAREZ.

Sworn and taken before me, the 22d of May, 1832.

E. B. GOULD,

Presiding Justice St. John's county.

No. 2.

SUPERIOR COURT, *District of East Florida.*

THE UNITED STATES, *ads.* MOSES E. LEVY. } *Claim for* 65,800 *acres of land.*

Interrogatories to John L. Williams.

Interrogatories to be propounded to John Lee Williams, esquire, a witness to be sworn and examined on behalf of the United States, in the above entitled cause, before Elias B. Gould, presiding justice of St. John's county:

First. Are you or not acquained with the geography of East Florida?

Second. Do you or not know of a swamp in East Florida called Durbin swamp? If you do, please to state where it is situated, and how far *east* of the St. John's river, and how far it is from said Durbin swamp to Turnbull swamp, and whether or not Turnbull's swamp is near the Hillsborough river; and whether the Hillsborough river is or is not east of the St. John's river.

THOS. DOUGLASS, *U. S. Atty.*

SUPERIOR COURT, *District of East Florida.*

THE UNITED STATES, *ads.* MOSES E. LEVY. } *Claim for* 65,800 *acres of land.*

Answers of J. L. Williams.

The testimony of John Lee Williams, to the interrogatories propounded to him in the above cause; the said Williams being first duly sworn,

To the first interrogatory, witness answers that he is imperfectly acquainted with the geography of East Florida.

Second. Witness knows the said Durbin swamp very well; it lies from six and a half to fourteen miles east of the St. Johns river, and crosses the King's road about twenty miles N. W. of the city of St. Augustine. It is about one hundred miles from Durbin swamp to the north end of Turnbull's swamp, on Hillsborough river; this river is east of the St. Johns.

JOHN LEE WILLIAMS.

Sworn to before me, the 23d day of May, 1832.

E. B. GOULD,
Presiding Justice, St. John's county.

No. 3.

SUPERIOR COURT, *East Florida.*

THE UNITED STATES OF AMERICA *ads.* MOSES E. LEVY. } *Land claim* 65,800 *acres.*

The testimony which follows is that which is taken on the examination of witnesses sworn on behalf of the United States in the case of F. M. Arredondo and others vs. the United States, and by agreement of parties to be received in evidence in this case on the same footing as it was received in the said case of Arredondo vs. the United States.

Examination in chief offered by the United States' attorneys, and cross examination by claimant's counsel, as follows, to wit:

Testimony of James Hall.

James Hall's testimony. Witness states that he has resided in East Florida thirty-two years next March; that he has generally understood that there was a boundary established between the British

Government and the Indians, by treaty; but with respect to that boundary, as to where it can be found, he knows nothing, except what he has heard from Mr. Cohen, and he cannot say that any thing was said to him by Mr. Cohen on that subject till since the transfer of the country. Witness states that he has lived at the place which he now occupies, on the St. John's river, about ten or twelve miles above the Cowford, and fifteen or sixteen miles below the mouth of Black creek, on the east side of the river, twenty-one years. Witness states that, previous to 1812, the Indians had possession of the country to the west of St. John's and south of Black creek; but that, in 1812, the country was invaded by an armed force from Georgia, headed by Colonel Nunin, and subsequently, early in 1813, by a body of troops belonging to the United States, commanded by Colonel Smith of the American army: the Indians were broken up by these invasions, and left the district of country spoken of. The witness says, that, by the country of which he speaks, he means the Alachua country: its boundaries he did not know, but he understood the Indians lived in it, and were driven out as stated above, in 1812 and '13, and he did not understand that they returned to the country again till after the invasion of Florida in 1818, by the troops under the command of General Jackson. After they were broken up at Negro fort, the witness has understood that some of them came back again to the eastward, and he understood that a few of them fixed themselves in Alachua country again, in the Black hammock, but principally settled in the woods near to Dexter's, at a place called Volusia, on the east side of St. John's river: they were, in fact, scattered over the country, even to St. Augustine. Subsequently to the invasion of this country by the party under Colonel Smith, as the witness thinks in 1816, it might have been in 1815, the country was again invaded by a party under the command of a person named General Harris, from Georgia: this party was made up of people some few of whom belonged to Florida, but principally from Georgia. General Harris was killed in the country at this time, 1816, by a small party of Indians, consisting of two or three, and one negro. The witness states that between the time of the invasion of the country by Colonel Smith, up to the time of the death of General Harris, it had been disturbed by repeated mauraudding and plundering parties, who stole the cattle and horses belonging to the Indians, and carried them off and sold them. The witness also states that, previous to 1812 and '13, the Indians were possessed of very large stocks of cattle and horses; a few of them, as he was told by the Indians themselves, owned stocks consisting of one or two thousand; and Bowlegs' sister had upwards of two thousand. Witness has understood that Harris's party, soon after his death, left the country, and, as witness has understood, the reason was because they could not get supplies of provisions. Witness states that he considers that it would have been dangerous for any white man to have gone into the Alachua country subsequent to Harris's death, till after the exchange of flags.

Cross-examined by counsel for claimant.

Witness states that he understood all the Indians at the Micksooky towns, and at the Sawanee, by the invasion of General Jackson, were driven to the eastward and southward across the Sawanee; and these Indians were dispersed through the country. Witness states that he thinks it would have been dangerous for Spanish people, at the time spoken of in his testimony

above, to have gone and settled in the Alachua, but not as dangerous by any means as for Americans, as there was a better understanding between the Spaniards and the Indians than between the Americans and the Indians. Witness states that the Floridians who joined Harris's expedition were considered by the Spanish Government as outlaws, and would have been so treated if the Government could have got hold of them. Witness states that he supposes Black hammock, spoken of by him in his testimony, as the same as Big hammock or Big swamp, and lying westwardly and southwardly from Dexter's place, so called, at Volusia.

Jacob Summerall's testimony.

Testimony of Jacob Summerall.

Witness states, I am a native of East Florida, and have lived on the St. Marys, the St. Johns, and now live in Alachua county, near the natural bridge of the Santa Fe, where I have lived for the last five years. I have always lived in East Florida, except about two years in Georgia, believes in 1815 and '16; was in Florida occasionally during these two years, but Georgia was my home. That it was in the latter part of 1812, or the beginning of 1813, Colonel Nunin went into the Alachua country with a party of armed men under his command: the party exceeded a hundred *a* number, perhaps there was a hundred and forty. Witness belonged to the party, but was taken sick at Kingsley plantation, called Laurel grove, on the St. Johns, and did not accompany the party beyond that place. Witness knows that a party of American troops, under the command of Colonel Smith of the army, and Colonel Williams of Tennessee, who commanded the Tennessee troops, about two hundred in number, the whole command being stated at about five hundred, also went into the Alachua country some time in 1813, after Nunin's invasion. Witness cannot state the precise time. Witness was, at this time, of the party; acted as pilot for the United States' army; this party destroyed the Indians and their villages, and their corn, and every thing else they could get hold of; burnt every thing up that would burn, including their corn, except what the party wanted for their own consumption. The principal villages destroyed at this time were one near the Alachua prairie; another about twelve miles southwardly at the Wicahootey--this was Bow-legs town; and another between these villages, south of Alachua prairie: there were other small villages destroyed in other places. The witness says that their villages were destroyed, and their horses and cattle, in the power of the party to collect, were taken and driven away from the country by the party; and hogs were killed that could not be brought away, merely to destroy them. Wi ness thinks that, in the early part of 1814, a party, under the command of a person called General Buckner Harris, also invaded the Alachua country: the witness cannot state the number of which his party consisted; thinks it exceeded a hundred: it was composed of persons called patriots, from the United States, and some of them from Florida. General Harris made his first stand, and built a block-house, at the east end of the Alachua prairie; he did not stay there himself, though he was frequently there, but he had gone off to another place to settle a plantation, where he was killed. During the stay of this party in Alachua, (it left towards the latter end of 1814,) parties of Indians were still ranging the country; and witness has been told that a settlement remained not broken up during all this time, at the junction of the Itchetuckne with the Santa Fé. The witness states that this settlement at Itchetuckne, he thinks, is about thirty-miles northwestwardly from the Alachua savanna. Witness states

that the party of Harris kept dropping off till they finally all left the country; they left on account of the difficulty in getting provisions; and the party becoming quite small, witness supposes they must also have been afraid of the Indians. Witness states that, after the breaking up of the country in the manner mentioned, and the destruction of the Indian villages and their property by Colonel Smith's and Colonel Williams's party, there were still considerable numbers of cattle ranging the country, but without any persons having them in charge or exercising control over them; and the cattle were in this situation when the district was invaded by the patriot party, of which witness was one, under the command of Harris. Witness states that, after Harris's party left the country, was again in the Alachua several times before the exchange of flags. Witness is unable to state whether he was in the Alachua between the time of its invasion by Harris and the attack made upon the Indians at the Sawanee by the troops belonging to General Jackson's command: he did not notice the time sufficiently to be able now to recollect; but he thinks that it was during the time he lived in Georgia in the years stated above, and that it was between 1814 and '17. At the time of these visits witness found Indians about the Alachua, and all through the country. Witness has since become an inhabitant and resident in Alachua county; he moved his hands there in 1823, as nearly as witness can recollect, and moved himself and family in 1824: at this time he found Indians living in the country, and settled about the Alachua. Witness saw a settlement at this time at a place then called Clapboard town, lying in what is now called Hog-town. Witness cannot state the distance of this town from the prairie; cannot state the distance to Clapboard town, but it is nearer than Sanfalasco. The witness states that there were not many Indians at this Clapboard town, but there was a considerable number at Sanfalasco, where Roman Sanchez now lives, witness supposes, about twelve or thirteen miles from the prairie; there was also a considerable settlement at Itchetuckne at this time. These Indians remained at these places till under the treaty of Camp Moultrie they went where they are now settled within the present Indian boundary. The witness understands that there was a boundary between the Indians and the Spanish, at least the Indians always claimed it, commencing at a little creek called Black creek, on the St. Mary's river, running from that place to the head of Black creek, emptying into the St. Johns; and that it ran thence, as witness supposes, down Black creek, to the St. Johns river; and thence up the St. Johns, the Indians claiming the country south of Black creek and west of the St. Johns.

Cross-examined by claimant's counsel.

Witness states that Clapboard town lies north of the prairie, and witness supposes in a southeast direction from Sanfalasco. Witness states that his object in these visits, subsequent to the invasion of the country by Harris's party, was to get Indian cattle wherever they could find them in the country, and to drive them off: the Indians were in the habit of stealing our cattle and horses, and we thought proper to return the compliment, getting theirs in return. There was a warfare carried on between us, and we killed each other whenever we met: this state of warfare was continued till the change of flags. On these visits we went always armed, to protect and defend ourselves; and the parties or scouts were sometimes as small as six or eight, generally about twelve; sometimes consisting of thirty or forty.

The testimony of this witness, so far as the same relates to the Indian

boundary, is excepted to by the counsel for the claimant, but admitted by the court.

Samuel Worthington's testimony.

Testimony of Sam'l Worthington.

Witness states that he belonged to Harris's party during the time it remained in the Alachua country. There were parties of Indians about the country. Witness did not see them, but understood it was so, and was sometimes in scouting parties: they went in pursuit of these, but never overtook any of them. On one occasion got three horses, supposed to belong to a party we were in pursuit of. Witness states that Harris's party went into the country in the very last of 1813, or the first of 1814, and the last of the party left the country in July or August following. Witness thinks Harris was killed about a month before the party left there: he was supposed to be killed by Indians. I was stationed in a block-house in Hogtown; at this time our party consisted of about thirty or forty. Harris was killed at a place south of us about twenty-five miles, or between twenty and twenty-five miles. There was another block-house near to the north side of the prairie, but when it was *learnt* that Harris was killed, this block-house was left, and the whole party gathered into one party at Hogtown, which then amounted to thirty or forty. After the evacuation of Harris's party, witness was not again in the Alachua country till 1824, in the latter part of the year; it might be the first part of the year 1825, but witness thinks it was the last of 1824. Witness found Indians at this time living at Sanfalasco, but they were then preparing to remove within the present Indian boundary. These Indians lived at Sanfalasco in houses which, from their appearance, might be three or four years' old: they had cultivated fields equal to a smart plantation. Sanfalasco, according to the best judgment of the witness, is twelve or fourteen miles to the north and nearest point of the prairie. The witness states this distance from conjecture, and from having travelled through the woods when he belonged to Harris's party, frequently. The road which is now cut through it, the witness has never travelled, nor does he know that it has been measured. Witness has lived in Florida, with the exception of one year, ever since 1812. Witness states that, in 1812, he joined the patriots at St. Mary's river, and come on the plains near to St. Augustine; that, at the end of four months, as near as witness can recollect, he joined a company commanded by Captain Nealy, a volunteer company; that in this company, belonging to the command of Colonel Smith, he remained till March, 1813, and was paid during this time by the United States' paymaster, for his services, by the month—first part at five dollars, and the latter part of the time at eight. That, during the time that he belonged to Nealy's company, he was allowed to volunteer into, and to go with Nunin's party into the Alachua, and, after he came back, was paid for the whole time he was so with Nunin's party by the United States. After he was discharged from Captain Nealy's company by Lieut. Bailey, in March, 1813, witness lived in St. Marys till Harris's party was collected. After Harris's party dispersed, witness lived about a year in Georgia, upon the St. Mary's, and lived after that in Florida, upon the St. Marys—lived on the St. Marys in several places till he went into the Alachua country in 1824. Witness has always understood that the prairie was called Alachua prairie. Witness states that, from the time Nunin's party went into the country till the exchange of flags, the country was in a continued state of disturbance from the marauding parties of the whites or of the Indians.

Witness did not see this, but understood so at the time, and knew four or five men that belonged to a party that went out in 1817 or 1818 that were killed. Witness states that he has always understood, ever since he arrived in the country, which was in 1811, that the Indian boundary was, as stated by Mr. Summerall in his testimony, to wit, commencing at Little Black creek, on the St. Marys, and running to the head of Black creek, emptying into the St. Johns; thence down Black creek, to its mouth, and up the St. Johns. Witness does not speak Spanish, and has never heard any Spanish people speak of this boundary; he derived his information respecting it from the people who lived on the St. Marys, on the St. Johns, and by the patriots. Witness states that his information was derived altogether from those people called patriots, except from a party of workmen upon Little Black creek, who told him the same thing eight days before he joined the patriot party under McIntosh: this party consisted wholly of Americans, but supposes Underwood, one of the number, was a Spanish subject. The witness states that the boundary was a subject of frequent conversation, as those who wished to settle were unwilling to go within the Indian limits, as it was generally understood the Indians would not permit the settlement of whites within those limits: these limits include the country south of Black creek and west of the St. Johns. The Alachua is in the district of country spoken of by him above.

The testimony of this witness, so far as the same relates to the Indian boundary, is excepted to by the counsel for the claimants, but admitted by the court.

Britton Knight's testimony.

Testimony of Britton Knight.

Witness states that he came to East Florida in the year 1807, and has resided here ever since; that he belonged to the patriot party; was under McIntosh; that the patriots were promised five hundred acres of land each, and warrants in some instances were given to them before they went into the country, some after: they were told that this was done under the authority of the United States, and that the lands would be guaranteed to them by the United States. McIntosh was attended by a body of United States' troops, but, according to orders, the United States' troops never preceded the patriot troops, but they kept very close together. Witness did not accompany this party into the Alachua. First entered Alachua with Harris' party in January, 1814; Harris took his first station at the north-east end of the prairie, and remained in the Alachua country till the August afterwards, Harris himself having been sometime killed. During the stay of Harris's party in the country the Indians, in parties, were still ranging through it; but, when discovered, were pursued and driven off by the American or Harris's party: their station seemed to be to the south, towards the Sawanee; we did not burn up their villages. Tennesseeans had burnt them up before, but there was one village standing called Sugartown; whether there were any Indians in it, witness cannot say, but there were negroes: we caught several of them, and carried them in, and sold them in the camp, and they were carried out of the country; supposes to Georgia. This Sugartown witness understands was a little to the west of Orange lake; witness supposes something like twenty miles to the south of the prairie. Witness says that he went through the villages with a detachment of Harris's command; looked like an old village: the party, as they approached, was discovered, and those that inhabited it fled; they overtook some negroes, but saw no Indians. Witness was not again in country

till 1823, when he went, and settled at Alachua, at Hogtown. At this time Clapboardtown, so called because the huts were made of clapboards, consisted of three or four clapboard huts, and of four Indians, with their families; it was a new village, the huts probably built that year; they had made some corn there that year. In 1824 they left the place, as did also the Indians at Sanfalasco, and went to Big swamp. I saw Sanfalasco after the Indians had left it; did not look as new as Clapboardtown; from what I saw and heard, and learnt of a particular gathering, supposes there might have been twenty heads of families there; but witness don't know but that some of them came from, and belonged to, Itchetuckne: there was a smart chance of houses there, but less than twenty; might have been that number; did not count them. Witness is not able to state any thing about the country between the time of Harris's invasion and 1823, when he became an inhabitant, but has heard that, in the interim, Indians were roaming the country, and patriot parties went into the country to get cattle. A party of this description were principally killed by the Indians in 1818, as witness understood. Witness says that, as to the Indian boundary, he understood that it commenced at the mouth of Little Black creek; run from thence to the head of Black creek, emptying into the St. Johns; down Black creek to the St. Johns, and up the St. Johns, including the country south of Black creek and west of the St. Johns. Witness says that he was in Augustine in 1809, with Oliver Smith, an inhabitant, and a Spanish subject; that Smith's object was to memorialize for, and obtain a tract of land in that country, described by witness as in the Indian boundary. He was with him at Governor White's, and the governor told him he could not give him land there, because it was within the Indian boundary, but that he might take land elsewhere. Witness states that he heard of, and always understood, the boundary is as he has described it, from the conversation of the people on the St. Marys, and so across to the St. Johns; that he never heard that boundary doubted. The people from whom he heard it were generally patriots, but some of them were also Spanish subjects, but not Spaniards. He heard it as well before 1812, the commencement of the patriot operations, as at that time, and afterwards.

The testimony of this witness, so far as the same relates to the Indian boundary, and the refusal of Governor White to grant lands to said Oliver Smith within said boundary, is excepted to by the counsel for the claimants, but admitted by the court.

Cross-examined by claimants.

Witness states that he has been at Sanfalasco since the Indians left there, but it has been altered by Roman Sanchez, who bought the improvements there from the Indians, as he was told. The Indians at Clapboardtown belonged to Hicks' party; as he understood. Witness says that, in the gathering which he spoke of, he understood there was as many as twenty Indians, but can't say there were twenty heads of families, or that they all resided at that place. Witness says that when he returned to Alachua in 1823, there were no other settlements he heard of, or knew, about Alachua, than Clapboardtown, Sanfalasco, and Itchetuckne, which he has spoken of, but did not see. Witness says that, by the Alachua country, he means all the country south of Black creek and west of the St. Johns, to the Sawanee: this was understood by the Americans, but witness has understood the name Alachua by the Indians meant only the savanna, which, in the Indian language, is the same as *jug* in the English, and was so called by the Indians, because the

water sinks into the ground near the lower end of the savanna, and prairies as water sinks into a *jug*. And Sanfalasco, the witness understood, imports n the English language *bottle*; the water there also sinking into the ground n the same way. The Sanfalasco Indians belonged to Hicks' party; that he indians which belonged to Hicks' party, and which were settled at Clapboardtown and at Sanfalasco, had not formerly: and in 1812 belonged to the Alachua, or to any party of Indians resident in that vicinity. They lived west of the Sawanee till broken up by General Jackson 1818. The Indians that had formerly lived in and about Alachua were Paine's and Bowlegs' Indians; but Paine's, particularly, lived in Alachua, about the prairie; and these, witness has understood, were also nearly destroyed by the inroads made upon them in 1812 and '13, and particularly by Nunin's party; this he has been told by the Indians also, and that, there are but few remaining; and that he did not know that these Indians ever came back. What became of them witness does not know: their towns were vacant when he came back to the country in 1823. Witness understood they were at the Big swamp. Hicks' party, Paine's and Bowlegs', were all called Seminoles, and, when in a state of war were, under the control of Hicks, he being the greatest chief. Clapboardtown is fifteen miles from Levy's and six from the nearest point of the prairie: Sanfalasco is twenty-two miles from Levy's, and sixteen from the nearest point of the prairie: Itchetuckne is a more distant place than Sanfalasco. Witness thinks it is fifteen or twenty miles more distant; but witness can't speak with certainty of the distance. Witness states that if there had been any other settlement of Indians near to the Alachua savanna, or as near as those he has spoken of, he thinks he must have heard of them. Witness states that, at this time, there were none on the great survey, that is, the Arredondo land: if there had been any there he must have heard of them. Witness states that Clapboardtown is within the supposed limits of the Arredondo grant; and witness lives within the supposed limits two hundred and fifty yards. Witness states that Big swamp is within the present Indian boundary; and witness thinks that the nearest limit of the Indian boundary is about twenty-five miles from the nearest part of the prairie. A part of Wicahootytown, formerly called Bowlegstown, witness understands, is within the limits of the Arredondo grant. Witness says that he has understood that the Indians who inhabited about the Alachua had large stocks of cattle; has seen herds come from the hammock into the prairie; he supposes there might have been a thousand at a time. This was in the patriot times, when he was with Harris; he saw no cattle there when witness returned to the country in 1823, but was over the ranges repeatedly and should have seen them, he thinks, if there had been any; but the Indians, as he understands, and so he understood both before and since the transfer of the country, finding that the whites when they invaded the country were in the habit of taking and driving away their cattle, concluded that the possession of these cattle was the cause of the attacks and troubles to which they were subjected, and went themselves, and killed their cattle, to be relieved from these troubles in future.

William H. Ward's testimony.

Testimony of Wm. H. Ward.

Witness states that he became a resident of Florida, in Alachua, in 1823; had before that time been an inhabitant of Georgia. Witness came from Georgia into Alachua, and joined Harris's party soon after it went into that country, and remained with it till it left there. During this time, when out in detached parties from the main com-

mand, we found parties of Indians also ranging the country. Witness found no settlement where they lived, but understood from others of the command, that the place at Itchetuckne was occupied by the Indians at that time; there were considerable numbers of cattle in the country at this time, but witness did not see many horses; the last of Harris's party left the country in July or August, 1814, as well as witness can recollect. After Harris's party left the country, witness was repeatedly, perhaps every year up to 1818, in the country with parties that entered it to obtain cattle and kill Indians. The same thing was done by the Indians: they even crossed the St. Marys into Georgia, and took cattle and killed the whites. Witness says that, in making their incursions, they found Indians in the country ranging about, apparently to drive off cattle, and especially, in 1818, the country appeared to be filled with them, but found no settlement except a small clearing in the Big Prairie hammock, near the savanna: at this clearing we found no Indians, but found some encamped about two miles from there. Witness saw no house or hut at the clearing or elsewhere about there, but it was a new clearing, and a fence was commenced: can't state how large the clearing was; might have been half an acre, might have been larger—can't say; skirmishes frequently took place between the whites and the Indians, and at the time, in 1818, when the clearing was discovered, six of our party was killed, and two wounded. Witness still found numbers of cattle in the country in 1818, but not as many as formerly: it appeared that the Indians were driving them off; we discovered the trails of cattle going towards the Sawanee to the west, and also trails towards the south; he found cattle also shot down, all of which we supposed must have been done by the Indians, as there were no other whites there but our party. In 1823, when he went to Alachua, he learnt that there was an Indian town between Picolata and the head of Santa Fe, as witness supposes, south of Bellamy's road. Witness saw some Indians in Alachua that said they belonged there; witness: from his understanding, supposes it was about twelve or fourteen miles from St. Johns, and seven or eight miles from the head of the Santa Fe; understood there was considerable number there in 1823. I first heard at this time, in the year 1821 or '22, from William Daniels while living on the St. Marys, that Paine was killed in Nunin's battle, and Bowlegs, as witness understood, succeeded to the command of the Alachua Indians; after this, Bowlegs went over the Sawanee, to a place called the Clay hills, as witness has been informed; and that, after the Indians were broken up on the other side of the Sawanee by General Jackson's command, he has understood that Bowlegs crossed the Sawanee back again, but where he went, witness does not know, and don't recollect that he has heard. Witness says that he was in Hogtown in 1823; it might have been later: he heard of the settlements of Clapboard and Sanfalasco, but saw no Indians at Clapboard town, but saw the chief of the Sanfalasco village at Hogtown; he heard of no other settlements anywhere about the Alachua. Witness states that the Indian boundary is the same as the other witnesses state, and that he has always heard of it when he has heard of any thing about it. Ever since he was a boy, he has frequently heard it spoken of, and the Indians would not suffer people to settle within this boundary, as witness has understood.

The testimony of this witness, so far as the same relates to the Indian boundary, and so far as the same relates to the Indian town between Picolata and the head of Santa Fe, is excepted to by the counsel for the claimants, but admitted by the court.

Testimony of Daniel Hurlbert's.

Testimony of Daniel Hurlbert. Witness states that he has resided in this town since 1802, but followed the sea till 1821, but that two years of that time he resided here constantly. Witness became a Spanish subject immediately on his arrival here in 1802. Witness states that, in 1808, he and one Bushnell applied to Governor White for permission to cut cedar on the west side of St. Johns and to the southwest of Black creek, and that Governor White refused to grant them permission to cut timber there, alleging that it was within the Indian boundary, and beyond his jurisdiction, but the governor gave them permission to cut on the east side of the St. Johns. Witness states that, at the time he applied to Governor White for permission to cut timber, the governor showed him a map on which the Indian boundary was marked, and that the place from which he asked to cut timber was within that boundary; and that the Governor told him that the boundary was the same as when the province belonged to the British, and that it had remained so till the time of which he spoke; that, before McIntosh's revolution, the Indians occupied and had large stocks of cattle in the Alachua country. Witness states that, after the revolution, they were pretty much broken up, and rambled about the country, and their cattle were stolen in large droves, as much as 300 or 400 at a time, by the Americans from across the St. Marys, and on this side too. Witness adds, that the Spaniards did not dare to venture into the Alachua to make settlements till after the exchange of flags. Witness states that he always understood that the Indians claimed the Alachua country; that he has understood so since they were broken up in 1812, 13 and 14; that they came back into the country after that, and collected horses there, and made some settlements, but whereabouts those settlements were made, witness cannot say. Witness states that Governor White died in this city in 1811.

Cross-examined by claimants.

Witness says that he understood that the Indians, after the disturbances in 1812, 13 and 14, still persisted in their claim to the country, because he understood they came back to it, drove off Harris's party, and killed Harris, and occupied it again as he has stated it above, and there were no other settlements in the country at that time but Indian settlements; and that the witness also understood it from the common report of the people of the country. Witness also states that he has heard the same things stated by the Indian traders. Witness states that he has such an understanding of the Spanish language, for the last twelve years, as to understand common conversation; has not understood it longer.

The claimants object to the testimony of Daniel Hurlbert, so far as it states what Governor White *said* was his reason for refusing to permit the witness to cut cedar on the west side of the St. Johns, above Black creek because it is hearsay, of a particular fact, by which representation cannot be established, and, also, as to what the witness states Governor White *said* about the Indian boundary as hearsay: and, also, on the ground that the whole of his testimony abovementioned is irrelevant to the issue. The claimants also object to Mr. Hurlbert's testimony as to what he heard Indian traders say as to the Indians claiming the Alachua country, because it is hearsay.

Anthony Rutant's testimony.

Testimony of A. Rutant.

Witness states that he went to Alachua as an associate of Mr. Levy, from St. John's river, in July, 1822, to settle on a piece of land there, claimed by Mr. Levy; that some of the Indian chiefs came to him after he had been there a few days, and told him that they had previously told him at St. Johns not to come into the Alachua country to settle there: one of these chiefs was Micanope, another of them was called Jumper; he heard that others among them were chiefs, but whether they were so, does not know. Micanope told him, that that place was theirs, the Indians: that the bones of their ancestors lay there; and that he would suffer decapitation before he would give the place up: he was at this time at the house occupied by Mr. Wanton. At the distance of eight miles from Mr. Wanton's, on the road from Wanton's to Big swamp, he passed through an Indian negro village. Witness states that he understood Mr. Wanton's house was at the centre of the Arredondo and Son grant. Witness says that the same Indians who met him in Alachua in July, above stated, had, in June previous, been to the place then occupied by him, called Hope hill, on the west bank of the St. Johns, and told him that that place was theirs, but, as they were pleased with him, they would permit him to remain, but that they had heard that he was preparing to go to Alachua to settle, and they forbade him to do so. Witness went to Alachua again in the month of February, 1823; he then saw some Indians, but they said nothing to him.

Cross-examined by claimants.

Witness states that he settled at Hope hill in the beginning of March, in 1822; that the same Indians had visited him before the visit in June; that they said nothing about their claim, except the first time when they were intoxicated—they then told him him that they owned the land where he was. Witness states that he suspected that the Indians were induced to say what they did to him by a white man, but is not certain; and that, on two occasions mentioned by him, when the Indians declared Hope hill to be theirs, they had come from this person's place: witness can't say that, when they did not come from that place, they were quiet, and said nothing on the subject. Witness states that he has understood that there was an altercation, but does not know the particulars of it, between that person and Mr. Levy. Witness states that the person and himself, as the associate of Mr. Levy, had goods to dispose of to the Indians, and that none could be purchased in that vicinity but of those two, and that liquor could be obtained only from this person. Witness states that his design of going to Alachua had not been mentioned to the Indians by him; does not know that the person referred to by him knew of it—what the Indians said, in March, to witness, was reported in English by an Indian, to a young Frenchman present, who understood English, and by him interpreted in French to witness; and what was said in June to him, was interpreted to him by an Indian negro, who understood Spanish, which witness, himself, understood. Witness supposes the person referred to had great influence over the Indians.

Examined by counsel for United States.

Witness being inquired of, by counsel for the United States, who the person was to whom he has referred as suspected by him to have instigated

the Indians to the course they took, as stated by him above; replies that, as it is a mere suspicion with him, he is unwilling to name him: and the inquiry was thereupon no farther insisted on. Witness states that, at the interview of the Indians and the witness at Alachua, an Indian negro interpreted for him, by the name of Abraham, so far as witness can recollect, who came with Micanope. Witness states that, at the time witness went to Alachua to settle there, in July, 1822, there was, at Mr. Wanton's place, Mr. Wanton, his children, a colored woman, and two men that Mr. Levy had sent there, and himself: he did not know or hear of any other settlements there.

The counsel for the claimants object to the testimony of Mr. Rutant as to what he heard from, or what was told him, by the Indians, because it is hearsay, including all that the said Indians said to him about their having a claim to the Alachua country, for the same reason that it is hearsay; also, to all his testimony of information collected from rumor and report.

Francis P. Fatio's testimony.

Testimony of F. P. Fatio.

Witness states that, in 1774 or '75, he understood at that time, and has since understood, that a talk or treaty was held by Governor Tonyn with the Florida Indians, at the Cowford, for the purpose of agreeing upon a line of demarcation between the Indians and the British, or of recognizing one previously established. Witness states that his impression is, and the general impression was, as it was talked publicly of; and at the time, and afterwards, that the boundary agreed upon, or recognized at this time, ran in a direction north and south, and nearly parallel with the St. Johns, about fourteen miles more or less west of the St. Johns, in the neighborhood of Black creek. Witness has no impression as to the northern or southern limit of this boundary. Witness lived about fourteen miles below the Cowford at the time of this talk, and was then in his thirteenth year. Witness says his father was at the treaty; stayed there but one night, as he believes.

Cross-examined by claimants.

Witness states that he left the country in 1782: went with the British regiment, to which he belonged, into the Carolinas; when peace took place, went to England, and did not return to this country till the latter end of 1793, and has lived a resident of it since that time.

Decision and opinion of this court as to the testimony and evidence filed herein, relating to the Indian boundary; made and filed in this case in open court, the twenty-sixth day of May, one thousand eight hundred and thirty-two, to wit:

SUPERIOR COURT, *East Florida.*

MOSES E. LEVY, *vs.* THE UNITED STATES. } Decision of the court on Indian testimony.

Decision of the court on Indian testimony.

The court rejects all the testimony offered in relation to the Indian boundary, because, 1st. Agreeably to the decision of the Supreme Court in the case of Arredondo, "the claim

of the Indians is not before the court," it being of an adversary nature, and no adversary claim, those of the United States and the petitioner excepted, are now to be investigated or adjudged. 2d. The Spanish Government, by whom the grant was made, was competent to decide, and, by making the grant, did decide this question at the time thereof. It is, therefore, a matter already adjudicated by the proper authority, and not open to this court, or to the American Government. 3d. If the Indians of Alachua, at the time this grant was made, possessed an unextinguished claim to the occupancy of these lands by the treaty of Moultrie they have forever relinquished that claim; and that relinquishment to the United States, who now, and at the time of that treaty, stand in the place of the Spanish Government, must, on principles of law and equity well established, enure to the benefit of the grantee now before the court.

But though this testimony and evidence is not received and considered by this court, it is to remain on file, and to be certified to the court above in case of appeal.

And afterwards, before the superior court for the eastern district of Florida, holden at the court-house in the city of St. Augustine, at the term of May, in the year of our Lord one thousand eight hundred and thirty-two, to which term this cause had come by regular continuance to wit: On Wednesday, the fifteenth day of said term, and the twenty-third of said month, the following decree of confirmation, as to the ten thousand four hundred acres of land claimed in this case, under the grant to Antonio Huertas for fifteen thousand acres, was entered of record in this cause, to wit:

MOSES E. LEVY,
against
THE UNITED STATES OF AMERICA. } 10,400 acres land claim.

Decree of confirmation as to 10,400 acres of land.

Whereas Moses E. Levy did, in pursuance of the act of Congress of the United States, entitled "An act supplementary to the several acts providing for the settlement and confirmation of private land claims in Florida," and approved 23d day of May, 1828, on the 18th day of May, 1829, file his petition for the confirmation of certain lands therein mentioned, in the clerk's office of the superior court for the eastern district of Florida: and whereas the attorney of the United States for this district did duly appear and answer said petition, and this cause coming on to be heard this day, the said claimant, by his counsel, offered in evidence a copy from the office of the keeper of the public archives, of the original grant on which this claim is founded; to the the receiving of which in evidence the said attorney for the United States objected, alleging that the original grant *itself* should be produced, and its *execution* proved, before it could be admitted in evidence, and that the original only could be received in evidence; which objection was overruled by the court, and the copy from the office of the keeper of the public archives, certified according to law, was ordered to be received in evidence; and the court further ordered that though, by the express statute of this Territory, copies are to be received in evidence, yet in cases where either the claimant or the United States shall suggest that the original in the office of the keeper of the public archives is deemed necessary to be produced in court, on motion there for, a subpœna will be issued, by order of the court, to the said keeper to appear and produce the said original in court for due examination there; and

such proceeding, having been had herein as that this claim was submitted to the court for its decree thereon; and the said court having examined the claim of the said petitioner, and the answer of the attorney of the United States, together with the evidence and testimony filed herein, and having maturely considered the same, doth *order*, *adjudge*, and *decree* that this claim is *valid*, and that in accordance with the laws and customs of Spain, and under and by virtue of the late "treaty of amity, settlement, and limits between the United States of America and the King of Spain," ratified by the President of the United States on the 22d February, 1821, and under and by virtue of the laws of nations, and of the United States, it is hereby *confirmed*, *adjudged*, and *decreed*, unto the said claimant. The ten thousand four hundred acres of land hereby confirmed to the said Moses E. Levy, being part and parcel of fifteen thousand acres, confirmed on this day to Antonio Huertas, the said ten thousand four hundred acres, being set forth in the decree to the said Antonio Huertas, as the fourth survey, and as being bounded east by another tract of six hundred acres, and on all other sides by vacant lands, and as having the following lines, to wit: the first line begins at a pine tree, and runs south twenty degrees west, three hundred and twenty-two chains, to another pine; the second line begins at said pine, and runs north seventy degrees, west three hundred and twenty-three chains to another pine; the third line begins at said pine, and runs north twenty degrees east three hundred and twenty-two chains to another pine: and the fourth line runs from said pine south seventy degrees, east three hundred and twenty-three chains, to the pine at the beginning of the first line.

And afterwards, at the same term of May, in the year of our Lord one thousand eight hundred and thirty-two, to wit, on Saturday the eighteenth day of said term, and the twenty-sixth of said month, the following decree of confirmation was entered of record in this cause, to wit:

MOSES E. LEVY,
against
THE UNITED STATES OF AMERICA. } Land claim 65,800 acres.

Decree of confirmation. Whereas Moses E. Levy did, in pursuance of the act of Congress of the United States, entitled "An act supplementary to the several acts providing for the settlement and confirmation of private land claims in Florida," and approved 23d day of May, 1828, on the 18th day of May, 1829, file his petition for the confirmation of certain lands therein mentioned, in the clerk's office of the superior court for the eastern district of Florida; and whereas the attorney of the United States for this district did duly appear and answer said petition, and this cause coming on to be heard this day, the said claimant, by his counsel, offered in evidence the copies from the office of the keeper of the public archives of the original grants on which this claim is founded, to the receiving of which in evidence the said attorney for the United States objected, alleging that the original grants *themselves* should be produced, and their *execution* proved, before they could be admitted in evidence, and that the originals only could be received in evidence; which objection was overruled by the court, and the copies from the office of the keeper of the public archives certified according to law, were ordered to be received in evidence; and the court further ordered that, though by the express statute of this Territory, copies are to be received in evidence, yet, in cases where either the claim-

ant or the United States shall suggest that the *originals* in the office of the keeper of the public archives are deemed necessary to be produced in court, on motion therefor, a subpœna will be issued by order of the court to the said keeper, to appear and produce the said originals in court for due examination there. The said attorney for the United States then offered the evidence of various grants having been made to Fernando M. Arredondo, junior, under whom the petitioner in this case claims eight thousand acres, for the purpose of showing that various tracts of land had been granted to the said Fernando M. Arredondo, junior, by the Spanish Government; to the receiving of which in evidence the said counsel for the claimant objected, alleging that the same is irrelevant and immaterial, which objection was sustained by the court, and the said evidence not admitted; the court considering such evidence as irrelevant, there being, in the opinion of the court, no law or custom of Spain, or of the Spanish authorities of East Florida, forbidding more than one grant to the same grantee, or which rendered a particular grant invalid, or made it liable to objection, because other grants had been made to the same person, even if it should appear that such other grants were not valid, each grant as by the rules of the common law, and by the decision of the Supreme Court of the United States, resting upon its own particular merits or demerits. The testimony, though rejected by this court, and not *considered* by it, will be placed on file, that it may become a part of the record, and be reviewed in cases of an appeal; and such proceedings being had herein, as that this claim was submitted to the court for its decree thereon, and the said court having examined the claims of the said petitioner, and the answer of the attorney of the United States, together with the exhibits and testimony filed herein, and having maturely considered the same, doth *order, adjudge,* and *decree,* that the claims of the said petitioner in his said petition set forth are *valid,* and that, in accordance with the laws and customs of Spain, and under and by virtue of the late "treaty of amity, settlement and limits, between the United States of America and the King of Spain," ratified by the President of the United States on the 22d February, 1821, and under and by virtue of the laws of nations and of the United States, this court doth hereby *confirm, adjudge,* and *decree,* the said lands, so claimed in the said petition, to the said petitioner: and it is further *adjudged, ordered,* and *decreed,* that the said lands hereby confirmed to the said petitioner be, and they are confirmed to the extent, at the places, and in all other respects, as in the grants for the said lands filed in this cause is set forth and expressed; that is to say: the twenty thousand acres claimed by the said petitioner under a grant to the said Philip R. Younge, in the said petition mentioned, are in the said grant described or located, as follows: twelve thousand acres thereof in the vicinity of a lake called Lake Second, and known under the application of Valdes; and the eight thousand acres, the residue of the said twenty thousand acres, are situated on the lake above called Big lake, or Long lake, the whole of the said twenty thousand acres of land being on the west side of the river St. Johns; the said twenty thousand acres of land being portion of a grant to the above named Philip R. Younge, and of which five thousand acres have this day been confirmed to the said Philip R. Younge; and the said ten thousand four hundred acres of land claimed by the said petitioner, under a grant to the said Antonio Huertas in the said petition mentioned and described, to be situated on stream which runs from the west, and unites itself with the river St. Johns, about twelve miles above

Lake George, which said ten thousand four hundred acres of land are the same which was heretofore confirmed to the said Moses E. Levy by the decree of this court of the twenty-third day of the present month, and were part of the grant of fifteen thousand acres which was confirmed to the said Antonio Huertas by the decree of this court of the said twenty-third of this month; and the said seven thousand four hundred acres of land claimed by the said petitioner under a grant to the said Pedro Miranda in the said petition mentioned, are described in the said grant to be situated on a stream running from the west, and entering the river St. Johns, and called in English the Big spring, about twenty-five miles south of Lake George; and that the said eight thousand acres of land claimed by the said petitioner under a grant to Fernando de la Maza Arredondo, junior, in the said petition mentioned, are part of a tract of ten thousand acres granted to the said Fernando de la Maza Arredondo, junior, which, in the said grant, are described to be situated as follows, to wit: five thousand acres in a hammock, to be found at about five or six miles east of Spring garden, and the remaining five thousand acres west of the river St. Johns, contiguous to a creek called Black creek, near Flemming's island, and the pond called Doctor's lake; and that the said twenty thousand acres claimed by the said petitioner under a grant to the said George J. F. Clarke in the said petition mentioned, are part of a tract of twenty-two thousand acres granted to the said George J. F. Clarke, which, in the said grant, are described to be situated in the hammocks known under the names of Cuscovillo and Chachala, situated west of the place of the river St. Johns, where there was a store of the house of Panton, Leslie & Co., and about forty-five miles from it; the remaining part of said grant having this day been confirmed to the said George J. F. Clarke.

And afterwards, before the superior court for the eastern district of Florida, holden at the court-house, in the city of St. Augustine, at the term of October, in the year of our Lord one thousand eight hundred and thirty-two, to wit: on Saturday, the sixth day of said term, and the sixth of said month, the following appeal was entered of record in this cause, to wit:

MOSES E. LEVY,
against
THE UNITED STATES OF AMERICA. } Land claim 65,800 acres.

Appeal. This day came Thoma Douglass, esquire, attorney of the United States for this district, and moved the court that an appeal be granted in this case, on behalf of the said United States, from the decree of this court to the Supreme Court of the United States which is granted accordingly.

And afterwards, before the superior court for the eastern district of Florida, holden at the court house in the city of St. Augustine, at the term of May, in the year of our Lord one thousand eight hundred and thirty-three, to wit, on Tuesday, the nineteenth day of said term, and the eleventh day of June, the following entry of record was made in this cause, to wit:

Revival of appeal. THE UNITED STATES,
ats.
MOSES E. LEVY. } *Land claim* 65,800 *acres.*

Now, on this day, came Thomas Douglass, esquire, United States' attorney

for the district of East Florida, and suggests to the court now here that, since the granting of the appeal in the above cause to the Supreme Court of the United States, a term of said court has intervened, and that the record herein has not been sent up to the said court: wherefore, the said attorney, on behalf of the same United States, prays that the said appeal may be revived, and the order therefor extended, and a copy of the record in said cause, duly certified, may be sent up to the said Supreme Court before the first day of the next term thereof, to be holden on the second Monday of January next, and that citation, with notice of said appeal, may be forthwith issued by the clerk of this court to the appellee, and that the same may be served by the marshal of said district upon said appellee, or his solicitor or agent, and returned to this court within thirty days from the issuing thereof; which is ordered accordingly.

And afterwards, on the same eleventh day of June, in the year A. D. 1833, a citation of appeal, in pursuance of the above order, was issued in this case; which citation, and the return of the marshal of this district thereon, is in the words and figures following, to wit:

Citation of appeal. In the name, and by the authority, of the United States of America to Moses E. Levy, or to his agent, attorney, or solicitor, greeting:

You are hereby cited and admonished that an appeal has been taken on the part of the United States from the decree of the superior court for East Florida to the Supreme Court of the United States, in a certain claim to sixty-five thousand eight hundred acres of land, wherein you, the said Moses E. Levy, are claimant, and the said United States respondent; and that the record in said cause will be forwarded to the said Supreme Conrt, to be placed on the docket of said court at the next term thereof, to be holden on the second Monday of January next.

Witness, the honorable Robert Raymond Reid, judge of our said superior court, at the court-house, in the city of St. Augustine, this eleventh day of June, A. D. 1833.

[SEAL.] GEORGE GIBBS, *Clerk.*
Per K. B. GIBBS, *Dep. clerk.*

THOS. DOUGLASS, *U. S. att'y for E. Florida.*
J. DRYSDALE, *Att'y for Claimant.*

Executed by delivering a true copy to John Drysdale, esquire, attorney for the within named Moses E. Levy, the said Levy not being found in my district.

SAMUEL BLAIR, *Marshal.*

June 18th, 1833.

SUPERIOR COURT,
District of East Florida, } *to wit:*

I, Kingsley B. Gibbs, clerk of the said court for the district aforesaid, do hereby certify that the foregoing two hundred and sixty-two pages and two-thirds contain a full, true, and complete transcript of the record and proceedings had in the case therein named, in my charge; and that the nine surveys and certificates thereto attached, and made a part of this record, are faithfully taken and copied from the said documents, as offered and received in evidence in this case.

In witness whereof, I have hereto set my hand, at the city of St. Augustine, this first day of October, one thousand eight hundred and thirty-three.

K. B. GIBBS, *Clerk.*

By the honorable Robert Raymond Reid, judge of the Superior Court for the District of East Florida: To all to whom these presents shall come, be seen, or made known, greeting:

Know ye, that Kingsley B. Gibbs, who hath signed the foregoing attestation, is clerk of the superior court for the district of East Florida; that all due faith and credit are, and ought to be, given to his acts as such; and that the foregoing attestation is in due form of law.

In testimony whereof, I have hereunto set my hand, and caused the seal of the said court to be hereunto affixed, this first day of October, A. D. 1833, and of the independence of the United States of America the fifty-eighth.

[SEAL.] ROBERT RAYMOND REID.